

restoration of army beer canteen—to the Committee on Military Affairs.

By Mr. FLOOD: Paper to accompany bill for relief of Benjamin I. Craig, of Augusta County, Va.—to the Committee on War Claims.

Also, papers to accompany bill for relief of John Bungardner—to the Committee on War Claims.

Also, paper to accompany bill for relief of heir of Samuel Huffman, of Augusta County, Va.—to the Committee on War Claims.

By Mr. FOWLER: Petition of Hinton R. Heiper, regarding the Intercontinental Three Americas Railway—to the Committee on Foreign Affairs.

By Mr. FULLER: Petition of the Rockford (Ill.) Bolt Works, favoring the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Tonk Manufacturing Company, of Chicago, in favor of empowering the Interstate Commerce Commission to regulate freight rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Pressed Brick Company of LaSalle, Ill., favoring the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

By Mr. GROSVENOR: Petition of the Central Federated Union of New York, indorsing the Long Island Pilots' Association, against bill H. R. 7298—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Board of Pilot Commissioners of Brunswick, Ga., against bill H. R. 7298—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Board of Trade of Brunswick, Ga., against bill H. R. 7298—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Board of Trade of Fernandina, Fla., against bill H. R. 7298—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Board of Pilot Commissioners of Pensacola, Fla., protesting against passage of bill H. R. 7298—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Bar Pilots of Pensacola, Fla., against bill H. R. 7298—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Pilots' Association of the Port of Brunswick, Ga., opposing bill H. R. 7298—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Chamber of Commerce of Pensacola, Fla., against bill H. R. 7298—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Board of Pilot Commissioners of the Port of Fernandina, Fla., opposing bill H. R. 7298—to the Committee on the Merchant Marine and Fisheries.

By Mr. HARDWICK: Petition of Atlanta Division, No. 180, Order of Railway Conductors, supporting bill H. R. 7041—to the Committee on the Judiciary.

By Mr. HEPBURN: Petition of the Commercial Exchange of Des Moines, Iowa, favoring the Boutell bill—to the Committee on Ways and Means.

By Mr. HITT: Petition of the Brotherhood of Railroad Trainmen of Illinois, favoring bill H. R. 7041—to the Committee on the Judiciary.

By Mr. HOGG: Petition of the Grand Junction Chamber of Commerce, favoring the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HOUSTON: Petition of the Philanthropic Committee of Concord of the Quarterly Meeting of Friends, at Wilmington, Del., against the sale of liquor on Government premises—to the Committee on Public Buildings and Grounds.

Also, petition of the Philanthropic Committee of Concord of the Quarterly Meeting of Friends, favoring prohibition of sale of liquor in Indian territories—to the Committee on the Territories.

Also, petition of the Philanthropic Committee of Concord of the Quarterly Meeting of Friends, at Wilmington, Del., favoring the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. KLUTTZ: Petition of John F. Foard, to accompany bill H. R. 7191—to the Committee on War Claims.

Also, papers to accompany bill for relief of James H. Landreth, of Amelia, N. C.—to the Committee on Military Affairs.

By Mr. KNOWLAND: Resolution of the legislature of California, protesting against the proposed tax on grape brandy used in the fortification of sweet wines—to the Committee on Ways and Means.

By Mr. LACEY: Petition of the Commercial Exchange of Des Moines, Iowa, indorsing bill H. R. 9302—to the Committee on Ways and Means.

By Mr. LAMAR of Missouri: Papers to accompany bill for relief of Sarah Osborn, widow of John Osborn, of Licking, Texas County, Mo.—to the Committee on Pensions.

By Mr. MOON of Tennessee: Papers to accompany bill for relief of ——— McKinney, of Hamilton County, Tenn.—to the Committee on Invalid Pensions.

By Mr. PIERCE: Petition of William B. Landru, of Gibson County, Tenn., asking reference of claim to the Court of Claims—to the Committee on War Claims.

Also, petition of G. F. Brooks, administrator of the estate of Thomas Brooks, late of Gibson County, Tenn., asking reference of claim to the Court of Claims—to the Committee on War Claims.

Also, petition of W. H. Stovall, of Obion County, Tenn., asking reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. PORTER: Petition of the Epworth League of Christ Church, Pittsburg, Pa., favoring the present canteen law—to the Committee on Military Affairs.

Also, petition of the Epworth League of the Episcopal Church of Pittsburg, Pa., favoring the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. RUPPERT: Petition of the National Trades Association, favoring the passage of bill H. R. 9302—to the Committee on Ways and Means.

Also, petition of the Interstate Commerce Law Convention, recommending speedy enactment of certain legislation against unjust discrimination in tariff rates—to the Committee on Interstate and Foreign Commerce.

By Mr. SIMS: Petition of H. M. Jordan et al., favoring passage of bill H. R. 4072—to the Committee on the Judiciary.

By Mr. SLAYDEN: Paper to accompany bill for relief of widow of Andrew C. Phillips—to the Committee on Pensions.

By Mr. STEPHENS of Texas: Papers to accompany House bill granting a pension to Felix Lindsay—to the Committee on Pensions.

By Mr. WEBB: Papers to accompany bill for relief of John Tipton—to the Committee on Pensions.

SENATE.

FRIDAY, January 20, 1905.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

COUNTING OF ELECTORAL VOTES.

The PRESIDENT pro tempore. On the 18th instant the Chair appointed the Senator from Ohio [Mr. FORAKER] and the Senator from Maryland [Mr. GORMAN] as tellers on the part of the Senate under the concurrent resolution providing for the appointment of tellers of the counting of the electoral votes for President and Vice-President of the United States. Those Senators have asked to be excused from serving, and the Chair will appoint in their places the Senator from Michigan [Mr. BURNOWS] and the Senator from Texas [Mr. BAILEY].

LANDS ON MOBILE POINT, ALABAMA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 16th instant, a report of the Judge-Advocate-General, United States Army, relative to the military reservation of Fort Morgan, Ala., and the proposed addition thereto; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bill and joint resolution:

S. 5798. An act to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak.; and

S. R. 77. Joint resolution providing for the reappointment of James B. Angell on the Board of Regents of the Smithsonian Institution.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 2871. An act to incorporate the Mutual Investment Fire Insurance Company of the District of Columbia; and

H. R. 9799. An act to remove the charge of desertion from military record of John Dorsey.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 8460) providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LACEY, Mr. MONDELL, and Mr. GRIFFITH managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 15604. An act providing for the exercise of the powers of the judge of the district court of the United States for the Territory of Hawaii by certain other judges of the courts of the Territory of Hawaii;

H. R. 17577. An act authorizing the Lindsey Lumber Company, a corporation of Escambia County, Ala., to construct a bridge across Conecuh River at or near the town of Pollard, in said county and State;

H. R. 17646. An act to extend certain provisions of the Revised Statutes of the United States to the Philippine Islands; and

H. R. 17708. An act to amend section 3646, Revised Statutes of the United States, as amended by act of February 16, 1885.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

S. 266. An act granting a pension to Emma S. Harney;

S. 316. An act granting an increase of pension to Elmore Y. Chase;

S. 377. An act granting an increase of pension to Ezra W. Cartwright;

S. 424. An act granting a pension to George W. Lehman;

S. 552. An act granting an increase of pension to Ira K. Eaton;

S. 554. An act granting an increase of pension to Thomas P. Farley;

S. 566. An act granting an increase of pension to William H. Hart;

S. 567. An act granting an increase of pension to William Cody;

S. 776. An act granting an increase of pension to Calvin H. Morris;

S. 784. An act granting an increase of pension to Beverly Waugh;

S. 801. An act granting an increase of pension to Samuel L. Goodale;

S. 844. An act granting an increase of pension to Mary L. Duff;

S. 850. An act granting an increase of pension to Henry V. Sims;

S. 1207. An act granting an increase of pension to James D. Stewart;

S. 1208. An act granting an increase of pension to Samuel G. Magruder;

S. 1413. An act granting a pension to Louisa D. Miller;

S. 1539. An act granting an increase of pension to Edward Shiflett;

S. 1541. An act granting an increase of pension to Commodore P. Hall;

S. 1810. An act granting an increase of pension to George W. Thomas;

S. 1830. An act granting an increase of pension to Sarah E. Austin;

S. 1981. An act granting an increase of pension to Elizabeth V. Reynolds;

S. 1996. An act granting an increase of pension to William R. Williams;

S. 2009. An act granting a pension to Richard Dunn;

S. 2096. An act granting an increase of pension to John W. Millett;

S. 2117. An act granting an increase of pension to Philip L. Hiteshew;

S. 2212. An act granting an increase of pension to Charles N. Wood;

S. 2231. An act granting an increase of pension to Bessie M. Dickinson;

S. 2238. An act granting an increase of pension to William Strawn;

S. 2274. An act granting an increase of pension to Joseph J. Carson;

S. 2286. An act granting an increase of pension to James Thompson;

S. 2287. An act granting an increase of pension to Samuel J. Brainard;

S. 2310. An act granting an increase of pension to William Dar;

S. 2333. An act granting a pension to Benjamin F. Hall;

S. 2339. An act granting an increase of pension to Carolina Appel;

S. 2492. An act granting an increase of pension to George G. Tuttle;

S. 2493. An act granting an increase of pension to Alfred Tichurst;

S. 2518. An act granting an increase of pension to Clarinda A. Spear;

S. 2574. An act granting an increase of pension to Nelson Purcell;

S. 2581. An act granting an increase of pension to Myron D. Hill;

S. 2848. An act granting an increase of pension to William H. Lewis;

S. 2850. An act granting an increase of pension to Sallie J. Calkins;

S. 2890. An act granting an increase of pension to Andrew C. Kemper;

S. 2915. An act granting a pension to Mary Williamson;

S. 2945. An act granting an increase of pension to Sallie M. Nuzum;

S. 2972. An act granting an increase of pension to Thomas Boyle;

S. 3001. An act granting an increase of pension to Adrianna Lowell; and

H. R. 16992. An act to authorize the county of Sunflower to construct a bridge across the Sunflower River, Mississippi.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a telegraphic memorial of the legislative assembly of New Mexico, remonstrating against the passage of the statehood bill with a clause providing for the admission of New Mexico and Arizona as one State; which was read, and ordered to lie on the table, as follows.

[Telegram.]

SANTA FE, N. MEX., January 19, 1905.

To the Senate of the United States, Washington, D. C.

Following memorial passed both houses, vote 10 to 2 in council, 21 to 3 in house:

Joint memorial protesting to the Senate of the United States against the passage of statehood bill with the clause providing for the admission of New Mexico and Arizona as one State.

To the Senate of the United States Congress: Your memorialists, the legislative assembly of the Territory of New Mexico, most respectfully protest against the passage of that clause of the statehood bill now before your honorable body providing that New Mexico and Arizona shall become one State under the name of Arizona or any other name. Not only have the two great political parties of the nation in their national platform repeatedly promised New Mexico and Arizona admission into the Union as separate States, but the people of the Territory, relying on these promises, and knowing their cause to be just, have likewise in their political platforms expressed themselves as unalterably opposed to becoming united with Arizona as provided in the bill now pending before your honorable body. It certainly can not be seriously insisted that New Mexico, after having been a Territory of the United States for more than fifty years, during which time her people have been a law-abiding people and most faithful and loyal to the General Government, is not fitted to take upon herself the responsibilities of a State government. If extent of area, wealth, population, intelligence, and educational progress are elements to be considered in the admission of a new State, then we submit that New Mexico is entitled to admission at once. New Mexico is now fourth in area among all of the States and Territories, and her population, 200,000 at the last census, was larger than that of thirty-one of the present forty-five States at the time of their admission. The population of New Mexico is about one-ninth that of the average of all of the States, while Ohio had but one-eighth and Indiana but one-twentieth of the general average when admitted. Our taxable property has a value of more than \$200,000,000; our system of public schools, our numerous modern school buildings throughout the Territory, are models worthy the emulation of some of the States of the Union. Strikes, lockouts, and mob violence are unknown in our Territory, and the administration of justice is certain and therefore the courts have the confidence of the entire people. There are some special reasons why our claims should be considered favorably by your honorable body. New Mexico during the civil war showed her devotion and loyalty to the General Government by the great number of soldiers she furnished for the Union Army.

In the recent war with Spain New Mexico furnished more than one-half of the soldiers that constituted the famous Rough Rider regiment commanded by Col. Theodore Roosevelt. In the opinion of your memorialists Arizona is not without her claims to separate statehood. In 1865, when that Territory was taken from New Mexico, Congress in the act establishing the Territory promised it statehood within its present boundaries. A Territorial form of government is not compatible with the interests of the people. Such a government is intolerant and obnoxious to the American citizen. A territorial government is only intended to endure up to the point where the people are ready to enter the Union as a State; such a government as ours in this Territory is a denial of many of the substantial rights of the people living within the Territory. It is an injustice to them to longer keep them in Territorial bondage. With the entrance of this Territory into the Union of States our wealth will rapidly increase. Capital will find invest-

ments here that is too timid to enter a Territory. Our great mineral resources, including vast iron and coal deposits, copper, silver, gold, sulphur, and other extensive minerals, will be rapidly developed, and in a few years under a State government enjoying civil liberty we will be a prosperous people; Therefore, be it

Resolved, That the secretary of the Territory be, and he is hereby, directed to transmit certified copies of this memorial to the President of the United States, to the honorable Secretary of the Interior, to the President of the United States Senate, and to the members of the Senate Committee on Territories; and the secretary of the Territory is further directed to have printed 500 copies of this memorial and to mail a copy to each of the Members of the two Houses of Congress.

JOHN S. CLARK,
President of the Council.
PARRY P. OWEN,
Chief Clerk of the Council.
CARL A. DALIES,
Speaker of the House.
GEORGE W. ARMILJO,
Chief Clerk of the House.

Approved by me this 18th day of January, A. D. 1905.

MIGUEL A. OTERO,
Governor of New Mexico.

Filed in office of secretary of New Mexico January 18, 1905, 4.10 p. m.

J. W. REYNOLDS, *Secretary.*

8.45 P. M., JANUARY 19, 1905.

Mr. GALLINGER presented a petition of the Board of Trade of Washington, D. C., praying for the enactment of legislation providing for the establishment in the District of Columbia of a juvenile court, to be held in a building separate and apart from the police court; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Bar Association of Washington, D. C., remonstrating against the enactment of legislation to provide for a collateral inheritance tax in the District of Columbia, etc.; which was referred to the Committee on the District of Columbia.

He also presented a petition of the board of trustees of the American University, of Washington, D. C., praying for the enactment of legislation providing for the extension and improvement of Massachusetts and Boundary avenues NW.; which was referred to the Committee on the District of Columbia.

Mr. ALLISON presented the memorial of Henry Borholm and 29 other citizens of Boone, Iowa, remonstrating against the enactment of legislation providing for the closing on Sunday of certain places of business in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented petitions of S. Koerner and sundry other citizens of Yarmouth, and of the Commercial Club of Council Bluffs, all in the State of Iowa, and of the Carriage Builders' Association of Wilmington, Del., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented petitions of Confidence Lodge, No. 102, Brotherhood of Locomotive Firemen, of Des Moines; of Local Division No. 410, Order of Railway Conductors, of Belle Plaine; of Fraser Division, No. 131, Brotherhood of Locomotive Engineers, of Sanborn; of Ne Plus Ultra Lodge, No. 12, Brotherhood of Railroad Trainmen, of Ottumwa; of Junction City Division, No. 211, Brotherhood of Locomotive Engineers, of Eagle Grove, and of Local Lodge No. 602, Brotherhood of Railroad Trainmen, of Des Moines, all in the State of Iowa, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented memorials of Local Union No. 120, Cigar Makers' International Union, of Muscatine; of Local Union, Cigar Makers' International Union, of Keokuk, in the State of Iowa, and of the Colorado Beet Sugar Manufacturers' Association, of Denver, Colo., remonstrating against any reduction of the tariff on sugar, tobacco, and cigars imported from the Philippine Islands; which were referred to the Committee on the Philippines.

He also presented a petition of the Commercial Exchange of Des Moines, Iowa, praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Boston Central Branch, United Irish League of America, of Boston, Mass., remonstrating against the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Bar Association of Phoenix, Ariz., remonstrating against the admission of the Territories of Arizona and New Mexico into the Union as one State; which was ordered to lie on the table.

He also presented petitions of R. S. Reed and 43 other citizens of Checotah, and of George W. Smith and 115 other citizens of Flint District, in the Indian Territory; of the Presbyterian

Synod of Fairfield; of the Woman's Christian Temperance Union of Dows, and of the congregation of the Presbyterian Church of Coggon, all in the State of Iowa, praying for the enactment of legislation providing for continued prohibition of intoxicating liquors in the Indian Territory according to recent agreements with the Five Civilized Tribes; which were ordered to lie on the table.

Mr. LONG presented a petition of the Anti-Horsethief Association of Sedgwick County, Kans., praying for the enactment of legislation providing for the protection of Indians against the liquor traffic in new States to be formed; which was ordered to lie on the table.

He also presented petitions of Shawnee Division, No. 602, Brotherhood of Locomotive Firemen, of Shawnee; of Local Division No. 370, Brotherhood of Railway Trainmen, of Parsons; of Local Division No. 344, Brotherhood of Locomotive Engineers, of Wellington, and of the Executive Committee of the State Society of Labor and Industry, all in the State of Kansas, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

Mr. KNOX presented a petition of the East End Board of Trade, of Pittsburg, Pa., praying for the enactment of legislation providing for the installation of the pneumatic-tube system in the mail service of that city; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Chamber of Commerce of Pittsburg, Pa., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented petitions of Patriotic Orders, Sons of America, of Pottstown, Rathmel, Reynoldsville, Gordon, Strasburg, Lopez, Gibraltar, Wernersville, Lloydell, Brisbin, and Red Hill, all in the State of Pennsylvania, praying for the enactment of legislation to restrict the immigration of aliens into the United States; which were referred to the Committee on Immigration.

He also presented petitions of the Main Belting Company, of Philadelphia; of the Scott Paper Company, of Philadelphia; of the J. C. Blair Company, of Huntingdon; of Schaum & Uhlinger, of Philadelphia; of R. V. Mattison, of Ambler; of the Monongahela Tube Company, of Pittsburg; of the Pittsburg Printing Company, of Pittsburg, and of the Pioneer Suspender Company, of Philadelphia, all in the State of Pennsylvania, praying for the enactment of legislation authorizing the registration of trade-marks; which were referred to the Committee on Patents.

He also presented petitions of George I. Bodine, of Philadelphia; of T. D. Collins, of Nebraska; of F. X. Kreidler, of Nebraska; of J. B. Rolsgrove, of Carlisle; of W. S. H. Heermans and sundry other citizens of Towanda, and of Charles Kreamer, of Lock Haven, all in the State of Pennsylvania, praying for the enactment of legislation providing for the opening and improving of Massachusetts and Boundary avenues NW., in the city of Washington, D. C.; which were referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Philadelphia, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of C. A. Barrett, of Germantown; of the Woman's Christian Temperance Union of Philadelphia County; of Clarence Lathbury, of Philadelphia; of Rebecca B. Chambers, of West Grove; of M. B. Hull, of Philadelphia; of A. J. Lippincott, of Philadelphia; of the Woman's Christian Temperance Union of Orangeville, and of A. M. Barrett, of Germantown, all in the State of Pennsylvania, praying for an investigation of the charges made and filed against Hon. REED SMOOR, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented petitions of the Christian Citizenship Committee of the Christian Endeavor Union of Philadelphia; of E. H. Chase, of Philadelphia; of Anna L. Wallace, of Philadelphia; of H. C. Scattergood, of Philadelphia; of G. R. Lauman, of Pittsburg; of the Epworth League of the Christian Methodist Episcopal Church, of Pittsburg; of S. W. Gilkey, of Mercer; of the Leverington Christian Endeavor Society, of Roxboro, and of the Woman's Christian Temperance Union of Orangeville, all in the State of Pennsylvania; and of the legislative department of the American Anti-Saloon League, of Washington, D. C., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the Indian Territory when admitted to statehood; which were ordered to lie on the table.

He also presented a petition of the Woman's Health Pro-

tective Association of New York City and a petition of the Woman's Christian Temperance Union of Orangeville, Pa., praying for the passage of the so-called "pure-food bill," which were ordered to lie on the table.

He also presented memorials of the congregation of St. Peter's Methodist Episcopal Church, of Reading; of the Woman's Christian Temperance Union of Orangeville; of the Berks County Woman's Christian Temperance Union, of Reading; of 25 citizens of Pittsburg, and of the Woman's Christian Temperance Union of Reading, all in the State of Pennsylvania, remonstrating against the repeal of the present antiscandale law; which were referred to the Committee on Military Affairs.

He also presented a petition of 45 citizens of Beaver County, Pa., praying for the adoption of an amendment to the Constitution to recognize God as the source of all authority and power in civil government; which was referred to the Committee on the Judiciary.

He also presented memorials of Good Intent Grange, No. 862, Patrons of Husbandry, of Westmoreland County; of Lenox Grange, No. 931, Patrons of Husbandry, of Susquehanna County; of S. J. Saxton, of Granville; of Ralph Baity, of Covington; of E. D. Shover, of Mansfield; of V. A. Whittaker, of Mansfield, and of A. V. Young, of Millville, all in the State of Pennsylvania, remonstrating against the repeal of the present oleomargarine law; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of 10 citizens of Kerrmoor, Pa., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented petitions of Youghiogheny Lodge, No. 218, Brotherhood of Railroad Trainmen, of Connellsville; Tin City Division, No. 565, Brotherhood of Locomotive Engineers, of Newcastle; Renovo Division, No. 465, Brotherhood of Locomotive Engineers, of Renovo; George W. Childs Division, No. 353, Brotherhood of Locomotive Engineers, of Philadelphia; Pottsville Division, No. 416, Order of Railway Conductors, of Pottsville; Pennsylvania Division, No. 156, Order of Railway Conductors, of Carbondale; Easton Division, No. 147, Order of Railway Conductors, of Easton; Easton Division, No. 259, Brotherhood of Locomotive Engineers, of Easton; Lodge No. 321, Brotherhood of Railroad Trainmen, of McKees Rocks; Lodge No. 416, Brotherhood of Locomotive Firemen, of Lawrence County; Andrew Carnegie Division, No. 325, Brotherhood of Locomotive Engineers, of Allegheny County; W. J. Hall Division, No. 305, Brotherhood of Locomotive Engineers, of Hallstead; R. B. Hawkins Division, No. 114, Order of Railway Conductors, of Pittsburg; Lackawanna Division, No. 12, Order of Railway Conductors, of Scranton; Holbrook Lodge, No. 378, Brotherhood of Locomotive Firemen, of McKees Rocks, all in the State of Pennsylvania, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

Mr. COCKRELL. By request of Mr. Hinton Rowan Helper, of Washington, D. C., I present his memorial to Congress, relative to an intercontinental railway through the three Americas. I move that the memorial be printed as a document and referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. STONE presented the petition of E. A. Barbour and sundry other citizens of Springfield, Mo., praying for an investigation into conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented petitions of Queen City Division, No. 60, Order of Railway Conductors, of Sedalia; of Local Division No. 30, Order of Railway Conductors, of Springfield, and of Local Division, Order of Railway Conductors, of Cape Girardeau, all in the State of Missouri, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

Mr. HOPKINS presented petitions of sundry citizens of Chicago, Alton, Bloomington, Geneva, Moline, and Pinckneyville, all in the State of Illinois, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented petitions of Union Lodge, No. 138, Brotherhood of Locomotive Firemen, of Freeport; of Galesburg Lodge, No. 24, Brotherhood of Railroad Trainmen, of Galesburg; of Local Division No. 377, Order of Railroad Conductors, of Joliet; of Northwestern Lodge, No. 424, Brotherhood of Railroad Trainmen, of Chicago, and of Lincoln Division, No. 206, Order of Railroad Conductors, of Springfield, all in the State of Illinois, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

Mr. CULLOM presented a petition of the National Tea Association of the United States, and a petition of sundry tea importers and jobbers of Chicago, Ill., praying that increased compensation be granted to United States tea examiners; which were referred to the Committee on Finance.

Mr. PATTERSON presented a petition of the Liberty League of Grand Junction, Colo., praying for the enactment of legislation to increase the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Canon City, Colo., praying for an investigation of the charges made and filed against Hon. Reed Smoot, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Woman's Christian Temperance Union of Canon City, Colo., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Woman's Christian Temperance Union of Canon City, Colo., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings, ships, and premises; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Woman's Christian Temperance Union of Canon City, Colo., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Canon City, Colo., praying for the enactment of legislation to prohibit the sending through the mails of all gambling devices, etc.; which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Canon City, Colo., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Canon City, Colo., praying for the enactment of legislation to prohibit the sale of opium except in medical prescriptions, etc.; which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Canon City, Colo., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the heirs of John Sevier, praying for the settlement of the claim of John Sevier against the United States; which was referred to the Committee on Claims.

He also presented the petition of M. D. Parr and 146 other citizens of Bartlesville, Ind. T., and the petition of E. D. Cameron and 130 other citizens of South McAlester, Ind. T., praying for continued prohibition in the Indian Territory according to the recent treaty pledges with the Five Civilized Tribes; which were ordered to lie on the table.

Mr. KITTREDGE presented the memorial of Charles M. Clark and 54 other citizens of Sanborn County, S. Dak., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 6422) to amend an act approved February 12, 1901, entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks and to enable it to relocate parts of its railroad therein, and for other purposes," reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on the District of Columbia, to whom was referred the bill (S. 6244) to change the lunacy proceedings in the District of Columbia where the Commissioners of said District are the petitioners, and for other purposes, reported it without amendment.

Mr. KITTREDGE, from the Committee on Forest Reservations and the Protection of Game, to whom was referred the bill (H. R. 17345) to exclude from the Yosemite National Park, California, certain lands therein described, and to attach and include the said lands in the Sierra Forest Reserve, reported it without amendment, and submitted a report thereon.

ADDITIONAL LAND FOR GOVERNMENT HOSPITAL FOR INSANE.

Mr. GALLINGER. Mr. President, on the 26th day of April, 1904, the Senate considered and agreed to the following resolution:

That the Committee on the District of Columbia be, and the same is hereby, authorized and directed, by subcommittee or otherwise, to make a careful investigation as to the advisability of acquiring for the Government Hospital for the Insane, by purchase, condemnation, or exchange of land, lots Nos. 15, 16, and 17, and such parts of lots 18 and 19 as lie north of the ravine which runs from Nichols avenue, near the Congress Heights schoolhouse, to the river, in the District of Columbia, being the tracts or parcels of land referred to and described in the act of Congress approved on the 3d day of March, 1901, and also the small triangular parcel of land lying between the southern boundary of said hospital grounds and Wilson Park, known as the Brooke tract, and to report to Congress at its next session such recommendations as said committee may deem proper.

The Committee on the District of Columbia have given very careful consideration to this matter and beg leave to file a written report in favor of the purchase of that land.

Further, Mr. President, I am directed by the committee to report a proposed amendment to the sundry civil appropriation bill in reference to the matter, which I move be printed and referred to the Committee on Appropriations.

The motion was agreed to.

LINWORTH PLACE, WASHINGTON CITY.

Mr. GALLINGER. I report back favorably, with an amendment from the Committee on the District of Columbia, the bill (H. R. 15477) to change the name of Thirteen-and-a-half street to Linworth place. The committee report a substitute for the bill, and I ask present consideration for it. It will take but a moment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on the District of Columbia was to strike out all after the enacting clause and insert:

That from and after the passage of this act the minor street lying between B and D streets and Thirteenth and Fourteenth streets SW., in the city of Washington, D. C., and known as Thirteen-and-a-half street, shall be known and designated as Linworth place.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to change the name of a portion of Thirteen-and-a-half street to Linworth place."

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 5648) to change the name of Thirteen-and-a-half street to Linworth place, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

WILLIAM L. PATTERSON.

Mr. WARREN. From the Committee on Military Affairs I report back without amendment the bill (S. 5997) authorizing the President to nominate and appoint William L. Patterson a second lieutenant in the United States Army, and I submit a report thereon. It is a bill of but four lines, and I ask unanimous consent for its present consideration.

The Secretary read the bill.

Mr. DANIEL. Is the bill upon its passage?

The PRESIDENT pro tempore. It is.

Mr. DANIEL. I should like to hear the report read.

The PRESIDENT pro tempore. The report will be read.

Mr. WARREN. The report is short, and it may be read so that it will appear in the RECORD.

Mr. DANIEL. I should like to know the case I am voting upon.

Mr. WARREN. Certainly.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report, submitted this day by Mr. WARREN, as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 5997) authorizing the President to nominate and appoint William L. Patterson a second lieutenant in the United States Army have considered the same and now report it back to the Senate, recommending its passage without amendment.

William L. Patterson was designated by President McKinley for examination for appointment as second lieutenant on July 8, 1901. The President's instruction was sent from Canton, Ohio, to the honorable the Secretary of War. In the absence of the President and Secretary of War, and by mistake in the War Department, the papers went into the files of the Department and Mr. Patterson was not notified of his appointment.

After the death of President McKinley, and on the 2d of November, 1901, President Roosevelt appointed Mr. Patterson to the place intended for him. He resigned his business position and came to Wash-

ington to study for examination, and while thus engaged he was informed that he had become ineligible in the meantime, because he had reached the statutory maximum age limit—27 years.

President McKinley's order of July 8, 1901, gave Mr. Patterson a margin of nearly three months in which to be examined, but on account of the error occurring in the War Department, for which Mr. Patterson can in no way be held responsible, he is barred from appointment.

Later on Mr. Patterson was appointed for service in the Porto Rico Provisional Regiment, where he served with distinction as a lieutenant for nearly three years, and last June, when all of the officers of the above regiment were mustered out and only those reappointed who were fully qualified, after examination, mentally, morally, and physically, Mr. Patterson received a rating of over 90 per cent in this examination, and now is a first lieutenant and battalion adjutant. In all the subjects in the regular garrison school for officers he has duly passed.

Herewith are submitted and made a part of this report letter of ex-Secretary of War Hon. Elihu Root and letter of the present Secretary of War, Hon. William H. Taft:

WAR DEPARTMENT, June 18, 1902.

Respectfully returned to the chairman Committee on Military Affairs, House of Representatives.

This is a peculiar case.

William L. Patterson was designated by President McKinley for examination for appointment as a second lieutenant early in July, 1901. In the absence of the President and Secretary of War, and owing to the fact that more than 10,000 cases were pending in the Department, involving hundreds of directions from the President and between one and two thousand examinations, his case was not acted upon, and, through no fault of his, when it came to be acted upon, it appeared that he had in the meantime passed the age of 27, the limit fixed by the statute. An examination of his record and of the young man himself produced a firm conviction in my mind that he is very desirable material for the Army, and I very much regretted that the statute created a bar to his appointment. He was accordingly put into the Porto Rico regiment. I think it would be a good thing for the service and but fair to him if President McKinley's direction, made before he had reached the statutory limit, could be carried out, notwithstanding the limit having been reached.

ELIHU ROOT.

WAR DEPARTMENT,
Washington, January 3, 1905.

SIR: I concur in the statement of Secretary Root that the case of William L. Patterson is so exceptional that the bill submitted should pass.

Mr. Patterson has an excellent record in the Porto Rican regiment, and has there shown that he is well qualified for a position as an officer in the United States Army.

Very respectfully,

WM. H. TAFT, Secretary of War.

The CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
United States Senate.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUNFLOWER RIVER BRIDGE IN MISSISSIPPI.

Mr. BERRY. I report back favorably without amendment from the Committee on Commerce the bill (H. R. 17100) to authorize the construction of a bridge across Sunflower River, in Sharkey County, Miss. I call the attention of the Senator from Mississippi [Mr. MONEY] to it.

Mr. MONEY. I ask consent that the bill be immediately considered. There is no objection to it. It passed the House, and meets all the requirements of the law.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. BURNHAM introduced a bill (S. 6728) granting an increase of pension to Charles W. Cowing; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LONG introduced a bill (S. 6729) for the relief of James A. Humphreys; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 6730) for the relief of Adam Zarn; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. KNOX introduced a bill (S. 6731) to provide for the erection of a public building at Charleroi, Pa.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. OVERMAN introduced a bill (S. 6732) granting an increase of pension to John Tipton; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6733) for the relief of M. L. Skidmore; which was read twice by its title, and referred to the Committee on Claims.

Mr. CLARK of Montana introduced a bill (S. 6734) to authorize the Secretary of the Interior to construct irrigation works on certain streams in Montana and Wyoming; which was read

twice by its title, and referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. TALLAFERRO (for Mr. MALLORY) introduced a bill (S. 6735) to provide for free lectures to the people in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. WARREN introduced a bill (S. 6736) granting an increase of pension to Jane McMahon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HEYBURN introduced a bill (S. 6737) granting an increase of pension to Eugene P. Kingsley; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 6738) relating to the inspection of steam boilers in the District of Columbia; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. PATTERSON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6739) granting an increase of pension to John H. Brooks (with accompanying paper);

A bill (S. 6740) granting an increase of pension to Oliver N. McLain;

A bill (S. 6741) granting an increase of pension to Daniel Stoyles (with accompanying papers);

A bill (S. 6742) granting an increase of pension to Mary O. O'Neill; and

A bill (S. 6743) granting a pension to Joseph A. Aldrich (with accompanying paper).

Mr. CULLOM introduced a bill (S. 6744) relative to the commissions of officers who are under the direction and control of the Postmaster-General and the Secretary of Commerce and Labor, respectively; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. NELSON introduced a bill (S. 6745) to grant certain land to the State of Minnesota, to be used as a site for the construction of a sanitarium for the treatment of consumptives; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PLATT of Connecticut introduced a bill (S. 6746) relating to the seals affixed to commissions in the Post-Office Department and the Department of Commerce and Labor; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENTS TO INDIAN APPROPRIATION BILL.

Mr. STONE (by request) submitted an amendment authorizing the Secretary of the Interior to pay S. W. Peel, of Bentonville, Ark., out of any money in the Treasury of the United States belonging to the Choctaw Nation of Indians, in the Indian Territory, the sum of \$5,250, with interest, for professional services rendered said Indians and money expended in behalf of said nation in a certain suit against said nation in the United States Court of Claims, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. KITTREDGE submitted an amendment proposing to appropriate \$3,200 for clerical work and stationery in the office of the United States Surveyor-General required on surveys within the Pine Ridge Indian Reservation, S. Dak., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

JEAN MICHAEL VENDENHIME.

Mr. FAIRBANKS submitted the following resolution; which was referred to the Committee on Foreign Relations:

Resolved, That the Secretary of State be, and he is hereby, requested, at his earliest convenience, to report to the Senate what amount, if any, would be due Jean Michael Vendenhime (or Michael Fentenheim), a citizen of France, from the United States, for loss and destruction of property, if the claim were allowed under the same principles and rules of evidence as interpreted and applied in claims of like character which were allowed by the French-American Claims Commission, created by act of Congress approved January 15, 1880, and subsequently paid by the United States.

HOUSE BILLS REFERRED.

H. R. 15604. An act providing for the exercise of the powers of the judge of the district court of the United States for the Territory of Hawaii by certain other judges of the courts of the Territory of Hawaii was read twice by its title, and referred to the Committee on the Judiciary.

H. R. 17577. An act authorizing the Lindsey Lumber Company, a corporation of Escambia County, Ala., to construct a bridge across Conecuh River at or near the town of Pollard, in said county and State, was read twice by its title, and referred to the Committee on Commerce.

H. R. 17646. An act to extend certain provisions of the Revised Statutes of the United States to the Philippine Islands was read twice by its title, and referred to the Committee on the Philippines.

H. R. 17708. An act to amend section 3646, Revised Statutes of the United States, as amended by act of February 16, 1885, was read twice by its title, and referred to the Committee on Finance.

TRANSFER OF FOREST RESERVES.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 8460) providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. KITTREDGE. I move that the Senate insist upon its amendment to the bill and accede to the request of the House for a conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. PERKINS, Mr. KITTREDGE, and Mr. GIBSON were appointed.

SOLICITOR FOR THE POST-OFFICE DEPARTMENT.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill returned from the House at the request of the Senate.

The SECRETARY. A bill (S. 4162) providing for the appointment of a solicitor for the Post-Office Department and abolishing the office of Assistant Attorney-General for the Post-Office Department.

Mr. HOPKINS. I shall ask that the bill be temporarily laid aside without prejudice.

The PRESIDENT pro tempore. The Senator from Illinois wishes to have the bill restored to the Calendar?

Mr. HOPKINS. Yes, sir.

Mr. COCKRELL. The motion which has been entered to reconsider must be acted on.

The PRESIDENT pro tempore. A motion to reconsider was entered yesterday. The Senator from Illinois moves to reconsider the votes by which the bill was ordered to a third reading, and passed.

The motion to reconsider was agreed to.

The PRESIDENT pro tempore. The Senator from Illinois now asks that the bill be placed on the Calendar in its original place. The Chair hears no objection, and that order is made.

ESTATE OF GEORGE W. SOULE.

Mr. BURNHAM. I ask consent to take from the Calendar the bill (S. 559) for the relief of the legal representatives of George Soule. It was passed over without prejudice. I call the attention of the Senator from Iowa [Mr. ALLISON] to the bill.

The PRESIDENT pro tempore. The Senator from New Hampshire asks for the consideration of the bill?

Mr. BURNHAM. Yes, sir. It has been read.

The PRESIDENT pro tempore. The bill was reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert a substitute. The amendment will be read.

The Secretary read as follows:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Ephraim Hunt and Julia M. Hunt, executors of the last will and testament of George W. Soule, deceased, the sum of \$31,500, for loss and damage sustained by said George W. Soule by reason of the seizure and appropriation, against his protest, for public purposes, by the collector of customs of San Francisco, Cal., in the year 1852, in the erection of the custom-house of the United States, of six stores, the property of said Soule, situate upon a certain square of land in the city of San Francisco, by him then occupied under claim of title, and being the same land whereon said custom-house was erected, said sum of \$31,500, being the cost to said Soule of the erection of said stores in the year 1851; and said sum of money shall be in full payment and discharge of all claims, of every description whatever, on behalf of the estate of said George W. Soule, his heirs and legal representatives, against the United States.

SEC. 2. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$31,500, for the purposes specified in this act.

Mr. SPOONER. Is the bill subject to objection?

The PRESIDENT pro tempore. It is.

Mr. SPOONER. I ask that it may go over without prejudice.

Mr. BURNHAM. I trust the Senator will not insist upon that course. The bill has been read and the report has been read. The senior Senator from Iowa [Mr. ALLISON] has examined the matter, I understand, and I have called his attention to the bill.

Mr. SPOONER. I can not hear the Senator.

Mr. BURNHAM. I wish to call the attention of the senior Senator from Iowa [Mr. ALLISON] to the bill.

Mr. ALLISON. When the bill was up a few days ago I objected to its consideration. Since that time I have had an opportunity to look into it, and from the examination I could make it seems to me that there is some merit in the claim. Therefore, I do not feel at liberty to object further to its consideration.

Mr. SPOONER. He would be a very bold man, Mr. President, who would object to a claim after the Senator from Iowa has carefully examined it and concluded that it was a wise claim. I withdraw my objection.

The PRESIDENT pro tempore. If there be no objection, the bill is before the Senate as in Committee of the Whole.

Mr. ALLISON. Mr. President, I ask leave to say one word further, in view of what the Senator from Wisconsin has said.

This claim is a very old one, and it is my opinion, after not a careful examination, but such an examination as I could give it, that the heirs of this man Soule are entitled to consideration from Congress, and they can secure relief from no other source. I think there is an equitable claim; but I will not be responsible in the way suggested by the Senator from Wisconsin or the Senator from New Hampshire for the passage of the bill by the Senate. I am only responsible for withdrawing the objection which I made when the claim was under consideration a few days ago. I am willing, of course, that the bill shall be considered by the Senate, and under the five-minute rule, in order that the heirs of this gentleman may have a hearing before the Senate.

Mr. SPOONER. I have no desire to improperly or without warrant stop by an objection any bill; and if the Senator from New Hampshire will consent that it may go over for a little while, I wish to examine the report as to one single proposition, and I will then withdraw the objection.

Mr. HOPKINS. I think the entire Senate would like to know something about the bill. It appears from the report that the property was taken more than fifty years ago by the Government, and if it is a claim that is proper to be paid some reason should be given for the great delay. I should like for myself, before I vote on it, to know what the facts are.

Mr. SPOONER. I was simply suggesting that I had looked partially into the bill, and if I were satisfied about one matter which I have not been able to investigate thoroughly I should see no objection to the bill. Of course any other Senator would be at liberty to do what he pleases.

The PRESIDENT pro tempore. The bill has been heretofore considered by the Senate as in Committee of the Whole, and the report was read in full.

Mr. GALLINGER. Mr. President, the only claim that I ever succeeded in getting through the Congress of the United States for a citizen of New Hampshire was about thirty years old. It was as just a claim as one man ever held against another in the history of the world. The day the President of the United States signed that bill the claimant died and was buried by charity.

Now, Mr. President, I think the age of a bill ought not to militate against it. I have given careful consideration to this bill. I did so when I was a Member of the other House, and I have believed that there were very strong equities in it.

Mr. HOPKINS. Will the Senator from New Hampshire yield to me for a moment?

Mr. GALLINGER. Certainly.

Mr. HOPKINS. The suggestion I made about the age of the bill relates back to its merit. If at the time this property was taken by the Government of the United States the claimant of the property was entitled to his pay, there must be some reason given, it seems to me, why it was not then adjusted. The very fact that fifty years have passed without the Government taking any action in it whatever is really an element, it seems to me, that should be explained before Senators are called upon to vote in favor of the claim.

Mr. GALLINGER. When the bill was up before, at the request of some Senator, the report was read in full, and I apprehend that my colleague, who is a very careful legislator and a good lawyer, has incorporated in the report the reasons why the claim should be paid. I do not imagine that any speeches would illumine the subject at all. I had hoped that the bill might pass this morning, but of course, as the Senator from Wisconsin wants to examine it further, I will say to my colleague I think it ought to go over for that purpose.

The PRESIDENT pro tempore. The Senator from Wisconsin simply asked not that the bill go over, but that it be passed over for the present to come up later on.

Mr. GALLINGER. Oh, that is it. I think that ought to be done.

The PRESIDENT pro tempore. Is there objection?

Mr. BURNHAM. That course is entirely agreeable.

The PRESIDENT pro tempore. The Chair hears no objection, and the bill will go over for the present.

RECEIVERS OF PUBLIC MONEYS.

Mr. HANSBROUGH. I ask unanimous consent for the present consideration of Senate bill 6314. It is a short bill involving a small matter. It is recommended by the Secretary of the Interior, and I think it should be passed at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 6314) for the relief of certain receivers of public moneys, acting as special disbursing agents, in the matter of amounts expended by them for per diem fees and mileage of witnesses in hearings, which amounts have not been credited by the accounting officers of the Treasury Department in the settlement of their accounts. It directs the Secretary of the Treasury to pay, out of any unexpended balances of the appropriations made by the sundry civil act of March 3, 1903, the deficiency act of February 18, 1904, and the sundry civil act of April 28, 1904, for expenses of hearings in land entries and for contingent expenses of land offices, to certain receivers of public moneys acting as special disbursing agents, such amounts as they may have expended for per diem fees and mileage of witnesses during the period beginning July 1, 1903, and ending September 30, 1904, in the conduct of hearings ordered by the Commissioner of the General Land Office as have not been credited by the accounting officers of the Treasury Department in the settlement of the accounts of the special disbursing agents and as may have been heretofore or may be hereafter approved by the Commissioner of the General Land Office.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FUR-SEAL FISHERIES CLAIMS.

Mr. FULTON. Mr. President, at the conclusion of the morning hour yesterday the fur-seal bill was before the Senate, and it went over without prejudice, retaining its place on the Calendar. I would be pleased if I should be permitted an opportunity to submit a few remarks in response to those made by the Senator from Iowa [Mr. DOLLIVER] in opposition to the bill, and I therefore ask that it may be taken up at the present time for that purpose.

The PRESIDENT pro tempore. The Senator from Oregon asks unanimous consent that the consideration of the bill known as the "fur-seal bill" be proceeded with now, in order that he may make some remarks. Is there objection? The Chair hears none. The Senator further asks that the limitation under Rule VIII shall not apply to him in this case. Is there objection? The Chair hears none. The Senator from Oregon is recognized without limitation under Rule VIII.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3410) to extend to citizens of the United States who were owners, charterers, masters, officers, and crews of certain vessels registered under the laws of the United States, and to citizens of the United States whose claims were rejected because of the American citizenship of the claimants, or of one or more of the owners, by the international commission appointed pursuant to the convention of February 8, 1896, between the United States and Great Britain, the relief heretofore granted to and received by British subjects in respect of damages for unlawful seizures of vessels or cargoes, or both, or for damning interference with the vessels or the voyages of vessels engaged in sealing beyond the 3-mile limit, and beyond the jurisdiction of the United States, in accordance with the judgment of the fur-seal arbitration at Paris, in its award of August 15, 1893, and so that justice shall not be denied to American citizens which has been so freely meted out to British subjects, was announced as next in order.

Mr. FULTON. Mr. President, on yesterday the Senator from Iowa [Mr. DOLLIVER] delivered a very able speech in opposition to this measure. While I very much enjoyed the speech, I regret to say that I can not indorse the sentiments expressed. Though not the especial champion of this measure, I should have liked to answer at the time, but the opportunity was not afforded. I did not introduce this bill. It was introduced during the last session by the distinguished senior Senator from Alabama [Mr. MORGAN], referred to the Committee on Foreign Relations, and reported back from that committee by the same Senator, he making a very full and very able report, which embodied practically all the information that is necessary to an understanding of the measure. I did not know that this bill was pending before the Senate until about three weeks ago, when I discovered that fact, and being somewhat familiar with some of the circumstances attending the seizures of these vessels, and knowing that there are many just claims, I at once took an in-

terest in the bill. Having ascertained that the Senator from Alabama, who introduced the bill, desired that it might be called up, I took occasion to call it to the attention of the Senate.

The Senator from Iowa on yesterday seemed disposed to criticize rather severely the report of Mr. Don M. Dickinson, at one time, I believe, senior counsel for this Government before the commission appointed to determine the amount of the British claims. I do not know Mr. Dickinson except by reputation, but if his reputation truly reflects his character I think we are justified in accepting as true the statement he has made in his report and in the hearings before the Committee on Foreign Relations. If the statement be true, I can not understand how anyone acquainted with the facts can refrain from supporting this measure. I do not mean in every respect, for there may be some defects in the bill. The purpose of the bill is to provide for compensating the owners of American vessels that were seized in Bering Sea while engaged in pelagic sealing.

The Senator from Iowa assailed to some extent the character of the men engaged in pelagic sealing. My friend resides in the State of Iowa, a noble old State and the home of my boyhood days. I can truly say that I love its rocks and rills, its woods, its templed hills, its broad prairies, and, above all, its splendid class of citizens; but I can not escape the conviction that that State is a little too far inland and a little too far away from even the "odor of the brine from the ocean" to enable my friend to form a proper and true estimate of the character and worth of the men that "go down to the sea in ships." He refers to these men as pirates belonging to piratical crews. He seems to think that they are somewhat akin to the Vikings of old, who roved the sea in quest of plunder and spoil. I regret that my friend from Iowa has not had a more intimate acquaintance with these men and with the character of men who are engaged in sailing the ocean. If he had, we would have had such a eulogy passed upon them as could only come from one gifted with his wealth of language. I have lived, Mr. President, something over a quarter of a century down by the sea, and I know something of the character of the men engaged in sailing the ocean. I know that there is no more courageous, patriotic class of citizens than are they. They are bold, perhaps somewhat reckless, but always courageous and patriotic, as a class. That there are exceptions to the rule is not to be doubted; but speaking of them as a class, they will compare favorably with any other class of citizens the world over.

Mr. President, the only question here is whether or not these men who sailed ships under the flag of this country shall be treated on an equality with the citizens of other nations. Every seized ship belonging to a citizen of a foreign country which went into the waters of Bering Sea during the period covered by this bill has been paid for. Every particle of damage sustained by the citizens of any other country has been paid for. We paid the British claimants for the damage they suffered by reason of the seizure of their vessels or by reason of warning their vessels from out Bering Sea.

Not alone did we pay the British claims, but we presented a claim to the Russian Government for the payment of damages suffered by our citizens by reason of seizures made by Russia of their vessels when engaged in pelagic sealing within that part of Bering Sea then claimed to be under the jurisdiction of Russia.

I can not understand how this Government, having presented such a claim to Russia and insisted on its payment, can now deny relief to American citizens whose vessels were seized by us under like circumstances. In other words, it occurs to me that when we presented claims to Russia to indemnify our citizens we acknowledged thereby that the seizure of vessels engaged in pelagic sealing in Bering Sea was wrong.

The Senator from Iowa speaks about our citizens being in those waters in violation of law. I call the Senator's attention to the fact that there never was any law prohibiting pelagic sealing within the limits of Bering Sea prior to 1889. The first statute enacted on the subject was in 1889. That statute did not pretend to prohibit the taking of seals within the waters of Bering Sea; it simply prohibited the taking of seals within that portion of the sea over which this Government had domination. The language of the statute is as follows:

Sec. 3. That section 1956 of the Revised Statutes of the United States is hereby declared to include and apply to all the dominion of the United States in the waters of Bering Sea.

Section 1956 of the Revised Statutes, which is made to apply to "the dominion of the United States in the waters of Bering Sea," is a statute which imposes a penalty for taking seal in "the waters of Alaska." It was enacted in 1867, and the fact that it was deemed necessary by legislation to extend its provisions to Bering Sea shows that in the judgment

of Congress the use of that term—"waters of Alaska"—in the statute of 1867 did not serve to prohibit the taking of seal in Bering Sea. Hence the contention of any Department of Government prior to the act of 1889 that any authority existed for prohibiting the taking of seals in the waters of Bering Sea was clearly and unquestionably wrong. Nor did the act of 1889 operate to prohibit the taking of seals in the waters of that sea beyond the 3-mile limit from the shores.

The act of 1889 simply provided that said section 1956, which prohibited the taking of seal in the "waters of Alaska," should apply to all that portion of Bering Sea under the dominion of the United States. Manifestly the Congress did not understand that it was asserting jurisdiction over the entire waters of Bering Sea; at least Congress was not willing to say in a statute that it asserted such jurisdiction. Had Congress been willing to take the position that its jurisdiction extended throughout the waters of Bering Sea, it surely would in express terms have made it unlawful thereafter to take seals within that sea. But, instead of making that broad statement, Congress confined itself to the declaration that said section should apply thereafter "to all the dominion of the United States in the waters of Bering Sea." If "the dominion of the United States" proved to be less in extent than the entire sea, then clearly the taking of seals within the sea, but beyond such dominion, was not prohibited. It became important, therefore, to determine how far that dominion did extend.

It was denied at once by Great Britain that the dominion of the United States extended beyond the 3-mile limit; it was denied by every person who was engaged in fishing in those waters, and that such in fact was the extent of our jurisdiction was ultimately held and determined by the Paris tribunal.

Every one of the vessels whose owners will be benefited by the provisions of this measure was apprehended beyond the ordinary 3-mile limit. The question before the Paris tribunal was whether or not Bering Sea was a closed or an open sea. If it was a closed sea, confessedly this nation had jurisdiction over it. If it was an open sea, the dominion of this Government did not extend beyond the 3-mile limit. It was held to be an open sea and that finally determined the extent of the dominion of this nation in that locality. That being determined, I ask the Senator from Iowa where is the law that prohibited our people from engaging in seal taking in that sea beyond the ordinary 3-mile limit?

Mr. DOLLIVER. Mr. President—

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Oregon yield to the Senator from Iowa?

Mr. FULTON. Certainly.

Mr. DOLLIVER. I do not wish to interrupt the Senator, but I would call his attention to the interpretation of the law made by Secretary Sherman, in which he went fully into the subject of the territorial claims of the United States over the waters of Bering Sea.

Mr. FULTON. In what year was that?

Mr. DOLLIVER. In 1876. In this decision the Department announced that it would enforce the law as contained in section 1956 of the Revised Statutes—

over all the waters of Bering Sea east of that pelagic boundary which is termed in the treaty of cession as the line separating Siberia from Alaska, in Bering Sea.

So that it was the common understanding of all the departments of our Government, including the courts of the United States at Sitka and elsewhere, that the term "dominion of the United States in the waters of Bering Sea" included all that portion of Bering Sea which was not confessedly under the jurisdiction of Russia.

Mr. FULTON. Mr. President, the order read by the Senator from Iowa, issued in 1876—

Mr. FORAKER. Mr. President, will the Senator allow me to interrupt him a moment?

Mr. FULTON. I will yield in just a second. The order read by the Senator from Iowa, issued in 1876, had no reference, of course, to the statute of 1889, but it had reference to the statute of 1867, which prohibited the taking of fur seals in Alaskan waters. That the Secretary was wrong in his construction, in the opinion of Congress, is very evident, as I have, I think, before shown, because thereafter, in 1889, Congress enacted the statute to which I have alluded, in which it extends this very section to which the Secretary referred and to which the Senator now refer to that portion of the sea over which this Government had dominion. If the act of 1867 applied to any part of Bering Sea, then the Congressional act of 1889 was idle and unnecessary legislation. If it did not, then Mr. Sherman was wrong. Evidently Congress thought that he was wrong in his construction, and it endeavored to help him out of his dilemma

by the act of 1889, but I do not think contributed much to his authority.

Mr. FORAKER. If the Senator will allow me to interrupt him, what I want to say comes in just at that point better than at any other place. I understood the Senator from Iowa [Mr. DOLLIVER] to state what was the character of some circular which the Secretary of the Treasury, Mr. Sherman, issued in 1876. I should like to see that circular. I have heard of it, but I have never been able to find a copy of it. I have been able to find an order issued by Secretary Sherman in 1876, which is recorded among the official orders of the Treasury Department for that year, and, if the Senator does not object, I will read it.

Mr. FULTON. That is the order—

Mr. FORAKER. It simply follows the language of the statute prohibiting the taking of fur seals in Alaska, or in the waters thereof. "Treasury Department, Washington, D. C., April 17, 1877," is the date of this order. I will desist and not trouble the Senator by reading it now, because it is rather lengthy, but I will read it in connection with some remarks which I will make after the Senator takes his seat.

But I call the Senator's attention to the fact that the order issued by the Treasury Department did not pretend to claim that the United States had jurisdiction over all the waters of Bering Sea, and Secretary Boutwell, while Secretary of the Treasury, is shown by the official records to have questioned that proposition when somebody asserted it. I think I can show that never until 1886 was the proposition made and insisted upon by any department of the Government that we had complete control over the waters of Bering Sea; on the contrary, our Government always, before the Alaskan purchase, contested the right asserted by Russia to a dominion over the whole of Bering Sea, our claim always being that she was restricted, as the Paris tribunal found all countries were, to the 3-mile limit.

Mr. FULTON. Certainly. I think I am safe in making the statement that no record can be found where Congress or any authoritative body has ever asserted jurisdiction throughout Bering Sea.

Mr. FORAKER. There was a decision of Judge Dawson of the United States district court—

Mr. FULTON. I understand that he did make such a decision under the orders of the Treasury Department, or, at least, following such orders.

Mr. FORAKER. And our Government finally came to admit that proposition.

Mr. FULTON. Never, though, has it by any legislation asserted jurisdiction over that water. As near as Congress ever came to making any such contention was by the act of 1889, which, as I have said, did not pretend to assert jurisdiction throughout Bering Sea, but simply made certain penal statutes applicable to offenses committed within such portion of Bering Sea as this Government had dominion over. Congress was very careful not to assert in any statute that this nation contended that our dominion extended over the entire eastern half of Bering Sea.

Mr. President, during all the time that this controversy between the nations was being carried on, citizens of other countries were going into those waters and engaging in seal fishing. Would it not have been expecting too much of the American shipowner that he should permit his vessels to rot at the wharves while the citizens of other nations were reaping a rich harvest by engaging in fishing in those waters? Will it be contended that it was the intention of this Government to exclude the American citizen from those waters if it could not equally exclude the foreigner?

The question whether or not it could exclude the foreigner depended upon whether or not the dominion of this country extended throughout the entire eastern half of Bering Sea. It was determined by the tribunal to which the question was submitted that our jurisdiction did not extend throughout that water; that it did not go beyond the usual 3-mile limit. That question having been determined, we became liable to, and we paid, the claims of the citizens of other states for the vessels and cargoes owned by them and seized by us, and, I understand, also for such direct damages as they sustained by reason of having been driven out of the sea.

As I said a while ago, not only did we pay the claims of British subjects, but, on behalf of our own citizens, we presented a claim to the Russian government for payment of damages suffered by our people by reason of American vessels having been seized by Russia in the western half of that ocean. If we were authorized by any law to prohibit sealing in the eastern half of Bering Sea, I think it will be admitted that Russia was authorized as well to prohibit the taking of seals in the

western half. Her jurisdiction in the eastern half was exactly equal to ours throughout the western half.

Whatever title we had to Bering Sea and whatever jurisdiction we might exercise over it we derived from Russia. What she did not convey to us manifestly she retained, and it is conceded that, so far as she might, she retained the western half of Bering Sea. Yet after the award in which it was held that we were without jurisdiction to prohibit sealing beyond the ordinary 3-mile limit, this Government presented claims to Russia for damages caused by her seizure of vessels of our citizens while engaged in fishing in the western or Russian half of Bering Sea. That, it seems to me, Mr. President, everybody must concede was an admission on the part of this Government that the exclusion by it of any person from taking seals in those waters was without authority.

If we felt justified in demanding payment from Russia for the damage sustained by our citizens because of the seizure of vessels by her, how can we defend against the claims of our own citizens who are now asking us to compensate them because of the damage they suffered from our seizures in cases exactly similar in all respects to those for which we enforced payment from Russia?

There is some question made by the Senator from Iowa as to how far we should go in recognizing claims for damages, if we shall recognize any. He is particularly opposed to the payment of any indirect or consequential damages. So am I, but we probably differ as to what constitutes such damages.

The Senator told us yesterday that the Victoria tribunal or commission did not allow the British claimants anything in the way of indirect or consequential damages; under which head he places all damages excepting for seizure of ship and cargo, at least I so understood him.

Now, I am not particularly contending for the payment of what the Senator terms consequential damages, although I think the right to recover certain damages which he would exclude may be placed on broad grounds of equity. If we, without right or authority, drove vessels from those waters when found there prepared to engage in fishing, having invested, as they necessarily must have, a large amount of money in an outfit peculiarly suited for that character of enterprise and unsuited for anything else, it must follow that they suffered very considerable direct damages whether or not the vessels were seized or their cargoes taken. Even though a vessel was not seized, but was simply warned away, compelled to quit the field, I think the Senator will admit that the damage may have been and probably was very considerable, not so much as it would have been had the vessel been seized, but I submit the damage was of the same character and rests upon the same foundations; that the same principles of equity that would demand compensation for the one would appeal to us just as strongly for the other.

Mr. SPOONER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Wisconsin?

Mr. FULTON. Certainly.

Mr. SPOONER. I understand that some of these vessels had gone to the expense of outfitting, and after they had reached Bering Sea, on a perfectly lawful errand, were warned away. Some of those ships went elsewhere to kill seals. Some of them returned to their home ports. Now, would the Senator regard the damage and the loss of money in outfitting as consequential damages?

Mr. FULTON. I would not, answering for myself. Or did the Senator address his question to the Senator from Iowa?

Mr. DOLLIVER. That is damnifying interference.

Mr. SPOONER. The Senator from Iowa seemed to be amused by the word "damnifying." It is an accurate word. Damnifying, unlawful interference, simply means damage or injury done to one by an unlawful interference. The phrase is rather a peculiar one for a statute, but there are many such cases in the law as between men.

Mr. DOLLIVER. I have not complained of the word. But I call the attention of the Senator from Wisconsin to the fact, if the Senator from Oregon will allow me, that the *modus vivendi* was published June 15, 1891, and nobody will deny that up to that time, prior to the session of the tribunal at Paris, our Government had a right to believe and to require its citizens to believe that its statutes in that case provided were still in force.

Mr. SPOONER. So far as the statutes are concerned, I do not find, if I may interrupt the Senator from Oregon—

Mr. FULTON. Certainly.

Mr. SPOONER. I do not find in the statutes of the United States any evidence whatever of a purpose on the part of Congress, even if it possessed the power, to prohibit any citizens or ships of the United States from engaging in this work on the

high seas. I will not say that the Congress might not make it a condition of granting register to an American ship that it should not pursue its vocation on the high seas within limits, but there is no purpose indicated in the statute to extend any prohibition beyond the jurisdiction of the United States.

Now, it is not enough to say, as a matter of justice, that the United States thought its jurisdiction extended further than in law it did. It is not evident at all from the statutes that if Congress had supposed the law had been that our jurisdiction was limited to three marine leagues from the shore they would have passed this statute, applicable in terms to the high seas, punishing our citizens for doing, beyond our jurisdiction and on the high seas, what the subjects of other governments were freely doing.

Mr. DOLLIVER. We did that in the case of the slave trade.

Mr. SPOONER. The civilized nations of the world made it a violation of international law to engage in the slave trade. Congress might prohibit a citizen of the United States from engaging in the slave trade, of course; but there was a concert of nations about the slave trade. An agreement was made as to the slave trade, and the requisite legislation as agreed to in the treaties was provided by the various governments.

But in this case it is perfectly settled that citizens of the United States were warned from engaging in the capture and destruction of seals beyond the jurisdiction of the United States on the mistaken theory of law that it was within our jurisdiction. We treated Bering Sea as *mare clausum*. A tribunal, in an action to which we were a party and by whose judgment we are bound, held it to be the open sea; and I thought myself it was open sea.

So it seems to be a false assumption on the part of the Senator from Iowa, or anyone else urging it, that Congress ever prohibited the capture and killing of seals beyond the jurisdiction of the United States.

Mr. HOPKINS. Before the Senator from Wisconsin takes his seat, conceding, if you please, that these claimants have a right of action, what does the Senator understand to be the elements of damages upon which the award would be made in the case of a ship being warned off after being equipped to go into Bering Sea for the season?

Mr. SPOONER. Various claims were made. There was a claim made for the reimbursement of the cost of the outfit necessary to such a voyage and to the prosecution of the purposes of the voyage. In addition to that, claims were made for damages for seals which might have been captured and killed.

Mr. HOPKINS. Mr. President—

Mr. SPOONER. If the Senator will permit me—

Mr. HOPKINS. Certainly.

Mr. SPOONER. Which, because of the exclusion of the ships from the sea, these mariners were not able to take. That is purely consequential.

Mr. HOPKINS. But if that is made an element, how can we determine what damages should be allowed upon a point of that kind?

Mr. SPOONER. A point of what kind?

Mr. HOPKINS. How can we measure the damages to any of these shipowners on the question of the number of seals that would be captured during the season?

Mr. SPOONER. We could not; and that is excluded. Nobody is in favor of putting that in.

Mr. HOPKINS. That has to be excluded if this bill is passed?

Mr. SPOONER. Certainly. Nobody is in favor of putting that in. In the case of Great Britain, it was not allowed by the tribunal.

Mr. HOPKINS. I will say to the Senator that the reason why I asked the question is that in the debate which has taken place here I have gained the impression that that is one of the elements which is to be pressed upon Congress.

Mr. SPOONER. I have prepared an amendment to this bill, providing that only actual damages should be recoverable under the provisions of this act. I do not regard the class of claims to which I have just alluded as anything other than claims for actual damages.

Mr. HALE. Will the Senator from Oregon allow me?

Mr. FULTON. Certainly.

Mr. HALE. This whole question came up in the case of the Geneva award, and claims of the class that have been described here as resulting from damifying influences, in rather epigrammatic phrase were known as the "prospective catch." Claims were made under that for what might have been caught possibly. But they were all rejected because they were so distant, so far removed that they were entirely incapable of being measured.

Mr. SPOONER. They ought to be rejected here.

Mr. HALE. What was called the prospective catch.

Mr. SPOONER. They ought to be rejected here.

Mr. HALE. It is not included in the domain of the law anywhere in any tribunal as a subject of damages.

Mr. SPOONER. We claimed consequential damages at Geneva.

Mr. HALE. I do not suppose the Senator from Oregon desires or expects anything of that kind to be included in this bill.

Mr. FULTON. I am not contending and I have not contended for that.

Mr. HALE. I know that.

Mr. HOPKINS. But as the bill was reported it would include that element of damages.

Mr. HALE. Yes.

Mr. SPOONER. No; if the Senator will permit me, as the bill was reported it would not. As the bill has been amended by the Senate it would, unless further amended.

Mr. HOPKINS. When I say the bill as reported, I take the bill as I find it upon my desk. I think as the bill now reads it would allow that.

Mr. SPOONER. The bill as reported limited the measure of relief to that which had prevailed before the commission, and they excluded consequential damages. But the Senate struck that out, which would have a tendency to leave justified under this act claims for consequential damages. For that reason, and to meet that, I have written in my copy of the bill here an amendment to be proposed that actual damages only shall be recoverable under the provisions of this act.

Mr. FORAKER. Will the Senator from Oregon bear with me for just a moment?

Mr. FULTON. Certainly.

Mr. FORAKER. I was a member of the subcommittee which considered this bill, and we thought we had guarded the measure as against that character of claims. If the changes made in the Senate leave the bill open to another construction, it should be corrected. I have not been present all the while when the bill has been under consideration, and I do not know as to that, but I do know that nobody having to do with this measure has ever thought of including the prospective catch, in the phrase just used by the Senator from Maine. No such thought has ever been on anybody's mind. It has been simply the purpose of those who have been dealing with the measure in the committee to enable this Government, through the courts and through the instrumentalities provided by the bill, to do justice where it seems an injustice was done.

Mr. SPOONER. With the permission of the Senator from Oregon—

Mr. FULTON. Certainly. I am very glad to have the Senator from Wisconsin take up this subject.

Mr. SPOONER. When this bill was reported from the Committee on Foreign Relations, it contained this language:

And may grant to claimants hereunder the measure of relief granted to subjects of Great Britain under the decision of the international commission appointed under the convention between the United States and Great Britain, concluded February 8, 1896, if in the opinion of the court the same is just.

That excluded claims for consequential damages. The Senate struck that out.

Mr. FULTON. I have not gone over the amendments reported to note the effect of them, and I was not aware that that provision had been stricken out.

I was rather of opinion, until the present discussion, that the language of the bill would not admit of consequential damages. That was the impression I was under.

But I was undertaking, at the time I was interrupted by the Senator from Wisconsin—and I am under great obligations to him for interrupting me, because he has thrown light on this measure that I could not have thrown on it; he understands it; it was before his committee, and he has thought these questions out far more carefully than I, and I appreciate very much the suggestions he has made—but I was proceeding to state that damages arising out of the fact that a vessel fitted out to engage in seal catching was driven away by our revenue cutters and compelled to abandon her voyage are direct damages. The rule for the measure of damages in such a case is evident. The deterioration in his outfit and the loss of time and other apparent and directly resulting losses would constitute elements of damage.

Mr. DOLLIVER. Was any such claim allowed by the tribunal at Vancouver?

Mr. FULTON. I think so. I understood the Senator to say yesterday that no such claim had been allowed, but it seems to me there must have been, and I call the attention of the Senator

to the case of the *Black Diamond*. I read from Senate Document No. 164, page 12:

1. The *Black Diamond* is a British schooner, registered at the port of Victoria, British Columbia.
2. In the month of February, 1886, the *Black Diamond* sailed from Victoria, British Columbia, bound on a sealing voyage to the North Pacific Ocean and Bering Sea. She carried a crew of four seamen and sixteen Indian hunters, besides her master and mate, and was fully equipped for the hunting and capture of seals.
3. The *Black Diamond* lawfully pursued the object of her voyage, namely, the capture of fur seals, until the 1st day of July, 1886, when she entered the port of Unalaska. At this port the United States collector of customs gave the master verbal orders to leave Bering Sea and cease sealing therein, claiming that the Bering Sea belonged exclusively to the United States of America.

Without taking up time to read the whole of the document, the *Black Diamond* continued sealing for some time, notwithstanding this warning, until she learned that the United States revenue cutters were seizing vessels within Bering Sea. Then she abandoned her voyage and went away. She put in a claim, however, for some \$19,000.

Now, I turn to the award made by the commission, found at page 43:

As to the claim in respect of the vessel *Black Diamond*, seized or warned—

It says "seized or warned." She was warned, not seized—

July 11, 1889, it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners, master, officers, and crew of the vessel, as follows; that is to say, etc.

It then gives the amount of the award. I read that simply to show—

Mr. HALE. The statement of the Senator is very interesting. I can see the force of the Senator's proposition. The owner of a vessel expends sums of money for stores and equipment, and his ship is ready to proceed in her business, and is arrested. Now, had she been destroyed by United States vessels, she would clearly have a claim. She is not destroyed. But her voyage is destroyed; the industry which she contemplated has been taken from her; and there is some measure of damages undoubtedly equitably due her.

Mr. FULTON. And easily ascertained.

Mr. HALE. That is the trouble with me. That is why I ask the Senator not to stop where he did in saying that the commission provided for such damages; but how did they estimate it. What was the amount in the case of the *Black Diamond*?

Mr. FULTON. They give the amount.

Mr. HALE. What was the amount that the tribunal awarded where \$19,000 was claimed?

Mr. FULTON. I will give the amount. The amount awarded finally was \$22,701.32 in all. I stated a while ago that I thought \$19,000 was the amount of the claim, but I do not know where I got that total. It was the amount in my mind. I see it is here stated that the total is \$22,701.32.

Mr. HALE. That would indicate that the amount allowed was more than the entire claim.

Mr. FULTON. It says here:

The claim made for the loss arising out of the premises is the sum of \$7,500 and interest thereon from the date of loss at the rate of 7 per cent per annum.

Eighteen hundred and eighty-six was the time. But it would not have amounted to any such sum as that, interest and all.

Mr. HALE. The Senator does not know how the sum awarded, \$22,000, was made up?

Mr. FULTON. No, sir.

Mr. HALE. And he does not know whether that included what at that time of the Geneva award was called "the prospective catch?"

Mr. FULTON. I do not know, but I do not think that any allowance was made for prospective catch. I do not find anything to indicate that.

Mr. HALE. Of course, if you enter into that, there is no limit.

Mr. FULTON. I think no allowance was made for that by this commission, and while I do not know on what grounds the commission based its finding in favor of the *Black Diamond* for this amount I think I am safe in saying that they must have included the loss and damage she suffered by reason of having been warned out of the sea, because that is the character of her claim; but I do not think prospective catch was an element. I call the Senator's attention to page 12 of this document, from which I read. I will ask the Senator from Iowa if he has any information indicating that the *Black Diamond* was seized?

Mr. DOLLIVER. I have information that no case was dealt with in the award by that commission which did not include either the seizure of the ship or its cargo. I confess I have not

gone through the entire literature of the Vancouver commission, mainly for the reason that it does not seem to be accessible in full.

Mr. FULTON. I have looked as fully as the time at my disposal afforded an opportunity, and I have discovered nothing in the rulings of the commission excluding a claim for damages of this character. I find the claim of the *Black Diamond* stated and based on this character of damages. That is, damages resulting from being driven from the sea. I find that the commission allowed the claim. I conclude, and I think logically, that the commission must have allowed damages for that sort of interference, but do not think it included damages based on prospective catch. Certainly I would not contend for that here; but I think it is legitimate and proper and that the claimants should be compensated for the direct damages they suffered by reason of having been driven from the sea.

Mr. BACON. Will the Senator from Oregon permit me for a moment?

Mr. FULTON. Certainly.

Mr. BACON. I wish to propound an inquiry, not by way of argument, but really for information. I understand the proposition involves not only actual damages suffered—that is, in the destruction or confiscation of property—but damages suffered by reason of the fact that parties expended money in the furnishing of an outfit, etc., and were not then permitted to enter upon the enterprise for which such expense was incurred?

Mr. FULTON. Yes.

Mr. BACON. Now, the matter upon which I wish information is this: I made an inquiry from the Senator from Iowa, which he was unable to answer definitely. Is the Senator able to say whether the parties who incurred this expense, at the time they incurred it, did or did not have the information as to the law as it existed, to say nothing about the question as to its validity, prohibiting their engaging in the enterprise?

I would say to the Senator that I do not propound the inquiry for the purpose of discussing whether or not they had constructive notice or information. But has the Senator knowledge whether or not they had affirmatively the information as to the existence of the law?

Mr. FULTON. I have no direct knowledge, but I gather from all the reading I have been able to do on the subject that they generally understood that the United States Government objected to fur sealing within Bering Sea.

Mr. BACON. The Senator would not use the word "object." It is a question whether or not they knew of the prohibition. It is not a matter of objection. It is a matter of prohibition.

Mr. FULTON. Yes; I would use the word "object," because I can not find where the United States has ever prohibited it. I think I may say this, that it was understood that the Treasury officials construed the act of Congress and the proclamation of the President as prohibiting taking seals in Bering Sea, but—

Mr. BACON. I will say to the Senator that the reason why I make the inquiry is that in some considerations which have been had elsewhere the presentation has been made to me personally—

Mr. FULTON. It has been made to me.

Mr. BACON. That they did not have the information, and to my mind that is a crucial point in the question.

Mr. FULTON. I will say frankly to the Senator that I can not escape the conviction that these people did know that the representatives of the United States were holding that they had no right to fish in those waters. The American seamen did, during some seasons, I understand, refrain from going into Bering Sea, but the British went there just the same and engaged in sealing, and consequently the Americans felt that they were justified in going, and they went the next year. I remember that as applying to one particular season; I do not remember which season it was.

Mr. PETTUS. Mr. President—

Mr. FULTON. When the *modus vivendi* of June, 1891, was entered into the sealers had already entered the sea. Did the Senator from Alabama wish to interrupt me?

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Alabama?

Mr. FULTON. Certainly.

Mr. PETTUS. I ask the Senator's leave to present an amendment to the bill and have it read and printed for future action.

Mr. FULTON. I have no objection. I yield for that purpose.

The PRESIDENT pro tempore. The amendment will be received, printed, and lie on the table. It will be read.

The SECRETARY. It is proposed to add to the bill, as an additional section, the following:

Sec. 13. *Provided, however,* That no claim shall be allowed in any case under this act where the seizure and interference with the vessel

and cargo were unlawful; nor shall any claim be allowed for damages unless such damages were the natural and proximate result of unlawful acts of the officers of the United States.

Mr. FULTON. I was about to say, Mr. President, in answer to the Senator from Georgia, that when the *modus vivendi* of June, I think, 1891, was entered into my information is that the sealing fleet had already gone into Bering Sea, and that notice of the *modus vivendi* was not carried to them until it was too late; they had already outfitted and they had gone into the sea. Under those circumstances I think that the equities in their favor are just as strong as if there had been in existence no arrangement between Great Britain and the United States for the exclusion of sealing in those waters.

Mr. DOLLIVER. Will the Senator from Oregon permit me?

Mr. FULTON. Certainly.

Mr. DOLLIVER. Referring to the case of the *Black Diamond*, to which he has alluded, I think the record will show that that ship was seized by order of Secretary Blaine in the month of August, 1890, a prize crew put on board of her, and that she was taken to Victoria or some other port and all the skins taken were, under the law, confiscated.

Mr. FULTON. Of course, I do not undertake to say that those facts may not appear. I only undertake to say that they do not appear in the claim presented by the owners of the *Black Diamond* to the commission, as reported here at page 12 of the report.

Mr. DOLLIVER. I think the Senator will agree with me that that report must be at least defective, because it appears from that that they were allowed a large damage on account of a verbal order issued by a United States revenue officer, which, upon the showing made in the memorandum which the Senator has read, they did not even pretend to obey.

Mr. FULTON. I will agree with the Senator that all the elements of the claim for the damages ultimately allowed the *Black Diamond* are evidently not contained in the statement from which I read. But where they do appear I do not know.

Now, Mr. President, in conclusion I wish to say that although the Senator from Iowa has criticised very severely the representations made by Mr. Don M. Dickinson, I do not see anything inconsistent in his position as a representative of this Government before the commission and his subsequent action in going before the Committee on Foreign Relations and presenting the claims of these men and making a statement of the facts in their behalf. He particularly states in his report that he has no interest in these claims. He is not representing the claimants as their attorney, but in the course of his employment as counsel for this Government he discovered the equities that existed in favor of these men, and he felt it to be his duty to make a report of the facts to his own Government. Not only that, Mr. President, but he tells us, and I think it will not be questioned by anyone, that had it not been for these men and for the evidence and information that they furnished him before the international commission we would have been compelled to pay Great Britain a sum of money many times in excess of what the aggregate of these claims, if allowed, will reach.

I say as a matter of common, ordinary, every-day gratitude we ought to pay these men, if for nothing more than for the patriotic service that they rendered their Government in the hour when she was being held up by foreign claimants. I would not, perhaps, base the right to recover entirely on that ground, but I think it is an element that a just man may properly take into consideration.

If I deemed it important to enter upon the defense of these claimants as against the charges brought against them by the distinguished Senator from Iowa, I would remind him that if, unhappily, we shall ever be compelled to send our Navy out on the ocean to defend the interests, the rights, or the honor of our country, their crews will have to be recruited from just such character of men as those who manned these vessels, and as we expect them to be faithful and true in those days I submit we should be just and equitable in these days.

It will be very difficult for them to understand why the crews of foreign ships should be compensated and no heed given to their plea for compensation for the damages they suffered under exactly the same conditions.

I think that this measure should pass. I agree with the Senator from Wisconsin [Mr. SPOONER] as to the amendment he has suggested, but I wish to say I do not approve the amendment that was offered by the Senator from Iowa, because I think it narrows too much the rule for determining the damages. Furthermore, the amendment he offered will, if adopted, require these people to go before the Court of Claims in order to establish their demands. I think that that would be a hardship, and an unnecessary one. The bill, as originally framed,

provides that they may go before the circuit court of the ninth circuit, which comprises the States of the Pacific coast. That is near their homes, and they can present their claims there at much less expense than they can come here and present them before the Court of Claims. Therefore I oppose the amendment offered by the Senator from Iowa.

Mr. FORAKER. Mr. President, as I have had occasion to remark two or three times since the debate on this measure commenced, I was a member of the subcommittee that had the bill in charge in the Committee on Foreign Relations and joined with the Senator from Alabama [Mr. MORGAN], who was the other member of that subcommittee, in reporting the bill favorably to the Committee on Foreign Relations, which in turn made a favorable report of it to the Senate.

I think Senators will understand how, inasmuch as the Senator from Alabama was a member of the Paris tribunal and perhaps more familiar with this whole subject than any other member of this body, I naturally deferred somewhat to him as to the details of the bill. But I fully agreed with him as to the general proposition lying at the basis of the proposed legislation, that if we had wrongfully seized ships and confiscated property belonging to these American citizen claimants we ought to provide some way for them to have a day in court and some way whereby they could justly be reimbursed to the extent that we had wrongfully damaged them.

It was a general provision of the bill, as I understood it, that that relief should extend only to direct damages, and that the rule which has been referred to, excluding consequential damages, should be applied.

If the bill be not clear in that respect, I will be glad to help make it so, for it was not the understanding of my colleague on the subcommittee, and I am sure it was not the understanding of any member of the Committee on Foreign Relations, and it is not the understanding of any one connected with the support of this measure, so far as I am aware, that what are known in law as purely consequential damages, such as the Senator from Maine referred to and illustrated by referring to the "prospective catch," should be provided for or should be allowed.

Now, with that simple remark as to the details of the bill and confining myself to the general proposition whether or not we are under obligation to grant by legislation any relief to these claimants, I wish to call attention to the ground upon which that proposition is based.

The whole matter proceeds upon the theory that we directly damaged these claimants by wrongfully seizing and confiscating their property, and that the wrongful seizure grew out of the fact that there was no statute and no Treasury regulation lawfully in force at the times and the places where the seizures were made. The Senator from Iowa [Mr. DOLLIVER], in the remarks he made to the Senate yesterday, took occasion to say as to the phrase "the waters of Bering Sea"—and I wish to quote his exact language—that—

Our Government understood that expression to refer to the fact that a portion of the waters of Bering Sea were under the dominion of Russia, and there never was a moment, until the Paris tribunal rendered its decision, when any Department of the Government of the United States acquiesced in the proposition that our dominion was not perfect over all the waters of Bering Sea except that portion under the jurisdiction of Russia.

The Senator from Iowa is misinformed on that point. Instead of the facts being as stated by him, that never until the award of the Paris tribunal was our claim disputed to dominion over all the Bering Sea under the cession from Russia, the very reverse is true, that the claim never was asserted or acquiesced in by any Department of this Government until 1881, when Mr. French, Acting Secretary of the Treasury, issued instructions which asserted our right to prevent the taking of fur seals anywhere in the waters of Bering Sea. The claim of Russia—

The PRESIDENT pro tempore. The Senator from Ohio will please suspend for one moment. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. NELSON. I ask that the unfinished business be temporarily laid aside in order that the Senator from Ohio may finish his remarks. I would ask him to limit them to half an hour, as the Senator from Kentucky [Mr. McCREARY] is anxious to speak on the statehood bill to-day.

Mr. FORAKER. I am very much obliged to the Senator from Minnesota. I shall try to limit my remarks to thirty min-

utes, and I hope I may be able to get through in less time. I shall make only two or three observations.

The PRESIDENT pro tempore. The Senator from Minnesota asks unanimous consent that the unfinished business be temporarily laid aside in order that the Senator from Ohio may complete his speech. The Chair hears no objection. The Senator from Ohio has the floor.

Mr. FORAKER. The claim of Russia to dominion over the Bering Sea or over any part of it beyond the 3-mile limit was first asserted in 1821 in a ukase issued by Emperor Alexander I. Shortly after that claim had been made our Secretary of State, then John Quincy Adams, under date of February 25, 1822, in a communication addressed to the Russian minister at Washington, took issue with Russia, asserting that the Bering Sea was an open and not a closed sea, and that the United States did not concede that Russia had a right to the dominion and control over Bering Sea that had been asserted. A correspondence followed, resulting in another letter from Mr. Adams under date of March 30, 1822, from which I will read; and because I am limited in time I shall read but very little.

Mr. BACON. Will the Senator state the book he reads from?

Mr. FORAKER. I am reading from a work entitled "American Diplomatic Questions," by Mr. Henderson, a very well written discussion of a number of interesting diplomatic questions, among others a discussion, and a very accurate one, I think, as the Senator from Wisconsin [Mr. SPOONER] suggests, of this American fur-seal question, a discussion that is very creditable to the author. I have found all his references, so far as I have been able to investigate them, accurate. He quotes from Mr. Adams, as seen at page 7 of this work:

From the period of the existence of the United States as an independent nation their vessels have freely navigated those seas, and the right to navigate them is a part of that independence.

As I have already remarked, I read very briefly because my time is limited. I mention that only to show at that early date the United States questioned the right of Russia and denied the right of Russia to assert exclusive dominion and control over the waters of the Bering Sea. That position taken by our Government was maintained consistently until after we acquired Alaska by cession from Russia.

Shortly after we acquired Alaska a company was organized to which was given the right by the Government to take fur seals on the Pribilof Islands and in the waters of Alaska, and shortly after they had commenced taking fur seals under that license so granted to them a question arose as to the right of our Government to prohibit pelagic sealing beyond the 3-mile limit. Mr. Boutwell was then Secretary of the Treasury, and when applied to for instructions authorizing our revenue cutters to make seizures beyond the 3-mile limit he said:

I do not see that the United States would have the jurisdiction or power to drive off parties going up there for that purpose unless they made such attempts within a marine league of the shores.

I quote this simply to show that as late as 1872 the United States was still holding to the same position we had taken in 1821, after we had acquired Alaska, as we had adhered to that position prior thereto.

That continued without dissent on the part of any Government official, or certainly without dissent on the part of any Department of our Government, until 1881, when pelagic sealing had become so ruinous to the herds and there was such a well-developed, strong sentiment in favor of suppressing it that Mr. French, then Acting Secretary of the Treasury, on March 12, 1881, issued the following instructions. This was the first departure from the rule that had been made by Secretary Boutwell in the language that I have quoted. Mr. French says, writing to the collector of the port at San Francisco, who had requested him to grant special instructions that would enable them more effectually to break up pelagic sealing:

You inquire into the interpretation of the terms "waters thereof" and "waters adjacent thereto," as used in the law, and how far the jurisdiction of the United States is to be understood as extending.

Before I read this, however, I should call attention to the fact that in 1867, after we acquired Alaska, Congress passed an act prohibiting the taking of fur seals in "Alaska or the waters thereof;" and that was the only legislation Congress ever enacted until 1889, when that language, with the hope of enlarging it, was changed to read "to all the dominion of the United States in the waters of Bering Sea," thus adopting the language that was used in the cession of Alaska to the United States by Russia. But it has been held, I think, and properly, that that did not extend—

Mr. SPOONER. Leaving open entirely the extent of our dominion.

Mr. FORAKER. Leaving open absolutely the extent of our dominion. That was an open question. So when this collector

applied to Mr. French, the Acting Secretary, for instructions, it was for instructions as to how the language "or the waters thereof," referring to Alaskan waters, should be construed. This was prior to the act of 1889, and Mr. French—continuing to read now what he said—went on to construe that language:

Presuming your inquiry to relate more especially to the waters of western Alaska, you are informed that the treaty with Russia of March 30, 1870, by which the Territory of Alaska was ceded to the United States, defines the boundary of the territory so ceded. The treaty is found on pages 671 to 673 of the volume of treaties of the Revised Statutes. It will be seen therefrom that the limit of the cession extends from a line starting from the Arctic Ocean and running through Bering Strait to the north of St. Lawrence Islands. The line runs then in a southwesterly direction, so as to pass midway between the island of Attou and Copper Island of the Komondorski couplet or group in the North Pacific Ocean to meridian of 193 of west longitude. All the waters within that boundary to the western end of the Aleutian Archipelago and chain of islands are considered as comprised within the waters of Alaska Territory.

Now, that, I say, is the first time that any Department of our Government ever so construed the language of the act of Congress as to make it applicable beyond the 3-mile limit to the waters of Bering Sea. That construction stood until 1886. That was in 1881, and it stood for five years. Mr. Manning, Secretary of the Treasury, then addressed a letter to Collector Hagan, of the port of San Francisco, affirming the ruling of Acting Secretary French. I need not read what he said. It was simply an affirmation of Mr. French.

Thus it was that this Government became committed through the action of this Department to the full extent that the Department could commit the Government to the construction of the statute Congress had enacted, giving it this broad application to all the waters of Bering Sea.

Immediately after all this, Mr. Harrison's Administration commenced. Mr. Blaine was Secretary of State. He believed in the claim the United States was at that time asserting to complete control and dominion over the waters of Bering Sea within the boundaries described in the cession of Alaska to the United States by Russia.

As differences arose, it soon became evident that a tribunal of some kind would be necessary to adjust those differences or else there would be collisions that might lead to war. The Paris tribunal was the result of that controversy. It is true that commissioners were appointed to go to Paris and sit as members of that tribunal and assert there this contention of the United States. And it is true that they did very ably assert, and support, and uphold, and advocate that contention, as the Senator from Iowa [Mr. DOLLIVER] said on yesterday. But it is also true that they ineffectually instead of effectually made that contention.

The Paris tribunal, appointed for the express purpose of passing upon that question, decided adversely to the claim of the United States. It decided not only that the Bering Sea was an open sea and that we had jurisdiction as controlling the waters of Alaska only to the extent of the 3-mile limit, but it also decided that the fur-bearing seals were wild by nature, *feræ naturæ*, and that anybody had a right to take them, for they were *res nullius* wherever they might be overtaken on the high seas.

In the meanwhile, however, under these instructions, first given by Acting Secretary French and then by his successors, these seizures had been made, and not only had there been seizures of American vessels, but also seizures had been made of British vessels, and some seizures had been made of Russian vessels that were catching seals within our boundary limits.

This tribunal having decided that we had no jurisdiction beyond the 3-mile limit, it follows as an inevitable consequence that all constructions of our statute and all attempts to apply our statute beyond the 3-mile limit were wrongful, and that all seizures made upon the theory that it extended in its force beyond the 3-mile limit were necessarily wrongful seizures.

One of the findings of that tribunal was that all vessels taken upon the high seas in Bering Sea waters outside the 3-mile limit by the United States Government, upon the theory that our statute applied there, were wrongful seizures, and that the parties whose property had been thus seized and confiscated were entitled to remuneration.

The Victoria tribunal, where Mr. Dickinson represented the United States, followed. There the claims of British vessel owners were presented, with the results that have already been laid before the Senate. Later, at The Hague, the rights of the Russians to compensation from the United States and our right to compensation from the Russians was adjudicated; and it was held there, following the award of the Paris tribunal, that the Bering Sea was an open sea, and not a closed sea; that all these seizures, made upon the theory that it was a closed sea, were wrongful, and that the parties whose property had been

taken were entitled to compensation. And so it is, as has been detailed here, that the American vessel owners are the only ones whose ships were taken who have not been compensated, and there has been no provision made for them down to this time. This bill is intended to make provision for them.

It is said that they should not be compensated because pelagic sealing was brutal and they should not have been engaged in it, and because they were prohibited by officials of this Government from taking fur seal in the waters where these vessels were found when they were seized.

Mr. SPOONER. They were not prohibited by Congress.

Mr. FORAKER. No, as the Senator from Wisconsin aptly says, they were not prohibited by Congress; and they were not prohibited by anybody else who had a right to prohibit them, for now it is established that while Mr. French and other officials of the Treasury Department may have been under the impression at the time when they issued those orders that they had a right to so construe that statute, yet they did not have such right, for the statute in its force and effect applied only to the 3-mile limit. I never did have much faith—although Mr. Blaine, who was an idol of mine, seemed to thoroughly believe in it—in the claim that Bering Sea was a closed sea. I do not know, but I have seen it stated I think, that it is 4,000 miles wide; but whether it be 4,000 miles wide or something less than that, we all know that it is one of the great seas of the world. There never was really any legitimate ground upon which to make that contention, and nobody recognized it more quickly than Mr. Blaine when he got into the diplomatic controversy which occurred between him and Lord Salisbury, for in that controversy it will be remembered that he undertook to shift his position, and claimed that the United States had a right to apply that statute and to prohibit this sealing upon the ground that it was contrary to public morals to allow the fur seals to be taken and destroyed in the way they were. *Contra bonos mores* was his contention. But that proposition also was overruled by the Paris tribunal. So it is that we were defeated on every ground on which we made that contention. This Government at once accepted, as it was in honor bound to do, the finding of that tribunal; and from that day until this no claim has ever been made that the Government had a right prior to that time to prohibit pelagic sealing outside of the 3-mile limit.

We enacted a statute after that award was made, conforming to its requirements, and prohibiting pelagic sealing within the zones that were prescribed, and later prohibiting it, I believe, altogether. But that we are not concerned about now.

The point I want to impress upon Senators is, instead of the fact being, as the Senator from Iowa has stated, that nobody ever questioned but that Bering Sea was a closed sea until the award of the Paris tribunal, just the opposite is true almost, with this modification, that until 1881 no Department of the Government, as I understand, ever contended that Bering Sea was a closed sea.

Mr. DOLLIVER. Mr. President, if the Senator will permit me—

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. FORAKER. Certainly.

Mr. DOLLIVER. I based my proposition not so much on the fact that Bering Sea is a closed sea as upon the fact that the United States had jurisdiction within that sea in respect to property on these islands. However that may have been decided, if the United States did not think it had that jurisdiction, and if any Department of the Government failed to acquiesce in that interpretation of its rights, it seems to me a little peculiar that, beginning with 1876, hardly a year passed that we did not seize sealing schooners of our own registry and of foreign registry for the violation of what we supposed to be our laws and the regulations which had been published in pursuance thereof.

Mr. FORAKER. But, Mr. President, all seizures made prior to 1881, when the instructions of Mr. French made our laws applicable to the whole of Bering Sea, were made of vessels that were found fishing within the 3-mile limit and seized in the waters surrounding those islands.

Mr. DOLLIVER. If the Senator will permit me further, I notice the names of some of those vessels smuggling closely in this list, the owners of which are claiming damages from the United States.

Mr. FORAKER. I do not know what the fact is about that, but I think, as has been well said here, that this list of vessels ought to go out of the bill. The purpose of the bill, however, is simply to provide a tribunal for the hearing of the claims of those who have a right to be reimbursed.

Mr. DOLLIVER. If the Senator, who has evidently given a

great deal of attention to the history of this controversy, will pardon me another question, I will be obliged to him.

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. FORAKER. Certainly.

Mr. DOLLIVER. All the damages which Great Britain claimed from us, or which Russia claimed, originated prior to the diplomatic controversy which resulted in the Paris tribunal; and yet this bill for some curious reason extends the American claim for damages not only up to the time when the matter ceased to be a matter for executive interference, but allows claims apparently up to 1894, to the month of July, five years beyond the point of time during which any claims have ever been made against us by any foreign nation whatsoever. I should like to have some light on that, Mr. President.

Mr. FORAKER. Mr. President, the time is fixed when claims shall be allowed—April 6, 1894, I believe—with the exception made, for some reason, I do not remember what it is now, but the Senator from Alabama [Mr. MORGAN] can give information on that point—I can not—as to the three vessels that were seized immediately after and under circumstances which it was thought entitled them to have their claims presented to the court. The reason for that provision is on account of the date when we passed the law following the award of the Paris tribunal, giving effect to its provisions, and the date when this false construction of our statutes ceased. All seizures made prior to that time outside of the 3-mile limit were wrongful seizures. Since then there has been no wrongful seizure, as I understand it, unless in three cases; and I do not know on what ground, for I am without enough information to answer the Senator's question on that point as to these three vessels.

But the whole thing, Mr. President, resolves itself now into this: Our statute never had any lawful force and effect beyond the 3-mile limit. Therefore these people never were prohibited from going with their vessels into the high seas to take fur seals and there engage in pelagic sealing, and as we had no right to prohibit our own citizens, or at least did not do so by statute, we could not prohibit lawfully the Russians, the English, the Canadians, or anybody else from going there, and all who did go there had a right to go there because they were on the high seas; they were engaged in a business that was lawful, a business that was not prohibited by international law, nor by any statute of the United States, and because our seizure was unlawful we are liable to pay. They were allowed to make their claims; they have done so, and we have paid them. Now, the only question is whether, having paid everybody else, we will also pay the claims of our own citizens.

It may be that some of these men are open to criticism such as the Senator from Iowa has pronounced upon them. I do not know about that, and I do not care about that. It does not seem to me to have anything to do with this case.

That was a lawful business. It was at least an open and controverted question. They went with others to engage in what they regarded as a business they had a lawful right to engage in. We came and interfered with them; we took their property. It does not matter whether they came from one place of another, whether they belonged to this, that, or the other church, whether their conduct was such as the Senator from Iowa would approve or not; they were citizens of the United States; their property was taken, and they have come now and asked, not that we give them any advantage, but only that they may be allowed to go to some court on which we will confer jurisdiction for that purpose and be heard, and have judgment rendered in their favor for whatever they may be lawfully found to be entitled to.

Mr. DOLLIVER. Mr. President, if the Senator will remember, I have entered no very vigorous protest against the payment of the damages that could be proved in behalf of ships which were seized and confiscated; in other words, I do not like to go so far as to interfere with a man's right of recovery whose property has been taken. But I also showed from the record that the property of only seven people had been taken, and I pointed out to the Senate that this bill contained an itemized list of fifty-seven ships. If the Senator from Ohio or anybody else can throw any light on the history of the other fifty, or the nature of their claim against the United States, I will be obliged to him to receive it, because I can not find any public record in the entire literature on this subject which seems to identify that fleet of fifty.

Mr. FORAKER. I can give the Senator the benefit of the light I have on that subject. Whether it was seven or a dozen that were actually seized or in one way or another directly damaged, I do not know, but I understand that if a vessel had gone to the expense of thousands of dollars to fit it to go on a voy-

age, which it had a perfectly lawful right to go on, and then there came an officer of the United States Government—a revenue cutter, if you please—and took possession of her and would not allow her to go out of port, that would be a direct damage that should be allowed. That reminds me that the Senator, in the language he employed yesterday, spoke of these men, not as brave men, but as cowards, who skulked in port or did not have the nerve to go out and do what they had started to do. They did not go out and do what they had started to do and had a lawful right to do, as it turns out, because we wrongfully sent our revenue cutter to prevent them going out. That is the whole, naked, plain truth of the matter.

Mr. FULTON. I should like to ask the Senator from Iowa [Mr. DOLLIVER] on what he bases his statement about there being only seven vessels which were seized while engaged in pelagic sealing?

Mr. DOLLIVER. I base it upon the court records and upon the official literature and correspondence, very voluminous in connection with the transaction.

Mr. FULTON. I find in the records of the Treasury Department that thirteen vessels that carried the American flag were seized.

Mr. FORAKER. But, Mr. President, there is this further to be said about it that all this is for the court to determine. Here is a statute that authorizes these people to go into a court of competent jurisdiction—that is, it will be a court of competent jurisdiction after we confer this specific jurisdiction upon it.

That reminds me to say that we confer jurisdiction upon that court because the witnesses are all there, instead of requiring them to go into the Court of Claims, requiring them to come here to Washington, where it would cost more to prosecute the claims than they would be worth. We propose to confer jurisdiction on that court to hear and determine and we prescribe the rules that shall govern the court in arriving at an adjudication of the amount of damages; and it will be for that court to hear testimony as to each vessel that shall come before it, whether the vessel be enumerated in this statute or not; whether or not it was wrongfully interfered with; whether it was wrongfully seized; whether its property was confiscated, or whether it was simply held up, so that its whole expenditure for preparation was made useless and valueless.

I think I have said all I care to say on the subject, except to say that I have no interest in this measure except only to see that justice is done toward men whom I think the Government has wronged. Of course the officials of the Government were acting in good faith, but nevertheless their action was unlawful.

I might extend these remarks, but the time allowed me has expired, and I yield the floor.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. McCREARY. Mr. President, the admission of a Territory into the Federal Union as a sovereign State on an equal footing with the original States is authorized by the Constitution of the United States, and is of transcendent importance.

The love of liberty and the desire for self-government spring eternal in the breast of every American citizen, and the people of every Territory earnestly desire separate statehood, and not only have the right to demand separate statehood under proper circumstances, but also to be heard fairly and fully when their application and arguments are presented.

I can not support the bill now before the Senate. I am in favor of separate statehood for Arizona, New Mexico, and Oklahoma, and my opposition impels me to briefly explain my position.

The CONGRESSIONAL RECORD shows that the bill now being considered by the Senate was taken up April 19, 1904, for consideration by the House of Representatives as a Committee of the Whole House under the rule reported by the Committee on Rules, which limited the debate to three and a half hours, and provided for a vote on the bill at 4 o'clock of the same day, and that the whole bill was never read before the House of Representatives. (See pp. 51-52, CONGRESSIONAL RECORD, April, 1904.)

I am glad that under the rules of the Senate we have the fullest latitude and opportunity for free discussion of this important measure.

The history of legislation in our Republic shows the admis-

sion of every new State has been preceded by expressions of a desire on the part of the people to become a State of the Union, and enabling acts of Congress for the admission of new States have always heretofore been preceded by expressions of a desire for statehood on the part of the people affected by such legislation, and in all the past the people of a Territory have never been compelled by an enabling act to form a constitution and State government and be admitted into the Union without their expressed desire and consent.

The people of Arizona have never applied to be joined in statehood with New Mexico, and this is the first bill ever introduced in Congress for such purpose.

The bill under consideration enables the people of Oklahoma and Indian Territory to form a constitution and State Government and be admitted into the Union on an equal footing with the original States, and enables the people of Arizona and New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States. The people of the Territories named have not expressed a desire for admission into the Union on the terms provided in the pending bill; on the contrary, the governor of Arizona and the Delegate, Hon. J. F. Wilson, and the Delegate-elect, Hon. Marcus A. Smith, who for twelve years represented Arizona in Congress, all say that the people of Arizona are almost unanimous in their opposition to the passage of this bill, and the people are protesting against the proposed attempt to coerce them to accept joint statehood with New Mexico. Many of these protests have been printed in the CONGRESSIONAL RECORD.

Resolutions adopted by mass meetings in towns and counties of Arizona, and resolutions adopted by municipal bodies, boards of trade, chambers of commerce, business firms, etc., all show how bitterly opposed the people of Arizona are to joining statehood with New Mexico. Many of the resolutions declare that "the people of Arizona are unalterably opposed to New Mexico and Arizona being consolidated and made one State and that they prefer to remain citizens of a Territory rather than to enter the sisterhood of States under such conditions, and they pray that no bill be passed providing for the union of New Mexico and Arizona into a single State." The newspapers of Arizona have repeatedly expressed opposition to joint statehood and the opposition is almost unanimous by the people of both political parties of Arizona.

I present and will have published as a part of my remarks extracts from a letter I have received from the president of the Bar Association of Arizona, Hon. Jerry Millay, and resolutions adopted by the Bar Association of Arizona:

BAR ASSOCIATION OF ARIZONA,
OFFICE OF THE SECRETARY,
Phoenix, Ariz., December 31, 1904.

HON. JAMES B. McCREARY,
Senator from Kentucky.

DEAR SIR: We herewith present to you a copy of resolutions adopted by the Bar Association of this Territory regarding the proposed union of Arizona and New Mexico and their admission to the Union as a single State:

"RESOLUTION."

"The Arizona Bar Association, of Arizona, at a meeting held at the capital of the Territory on December 27, 1904, adopted the following resolution:

"Resolved, That this association protest against the admission of Arizona and New Mexico as one State into the Union, and offers this protest against the passage of the bill now pending on the following grounds:

"First. It violates our sense of local pride; sentimental possibly, but a sentiment underlying and necessary to loyalty, patriotism, and the higher aspirations for good government and good citizenship.

"Second. It subjects us to the domination of a majority heretofore strangers to us, living under different institutions, observing different customs, having different laws and different rules of property as to its acquisition, enjoyment and disposition subject to different environment, having different trade relations, and the larger proportion of whom can not and do not understand, speak, or write the English language.

"Third. That such union involves either a concession by that majority of their laws, customs, and habits or an abandonment by us of ours, and the consequent unsettling of our laws and jurisprudence, which are the growth of nearly half a century of different, distinct, and separate government and by experience shown to be adapted and adaptable to our institutions, customs, habits, and peculiar wishes.

"Fourth. The union of these two Territories would create a State the area of which would be greater than Iowa, Michigan, New York, and all the New England States combined. This would entail extraordinary expenditure of money and time in the transaction of public business, working hardship and more or less operating to deprive us of participation in the transaction of our public affairs. It is, we submit, a cardinal principle of American institutions that the more nearly within the actual observation of the people the functions of a government are exercised, and the greater facility afforded them for actually participating therein, the safer those institutions are and the more economically, honestly, efficiently, and capably they are carried on.

"These considerations principally, perhaps others, more than forty years ago induced a Congress of the United States to establish the government of the Territory of Arizona separate and apart from that of New Mexico. The lapse of time has not, we submit, rendered these reasons of less efficiency, but has, on the contrary, not only justified the act of that Congress but emphasized and made more apparent and

urgent the reasons that then prompted the separation. The proposed enabling act is violently opposed to our wishes, and as we deem it will necessarily result in the subversion of our rights.

"We therefore respectfully but most earnestly protest against the passage of the proposed law, implicitly believing that in so doing we express the sentiment of the vast and overwhelming majority of our people.

"And as members of this honorable profession we appeal to the Congress of the United States that as a matter of right and justice this distasteful union be not imposed upon an unwilling people.

"I hereby certify that at a special adjourned meeting of the Bar Association of Arizona, held in the court room at the court-house in the city of Phoenix, Ariz., on the 28th day of December, 1904, at the hour of 2 o'clock p. m., due and timely notice of such meeting having first been given, the foregoing resolution was unanimously adopted; that the undersigned was at the date of said meeting and now is the duly elected, qualified, and acting secretary of said association.

THOS. J. PRESCOTT, Secretary.

"PHOENIX, ARIZ., December 31, 1904."

As it is brief, I will read a protest sent to me by the Territorial Teachers' Association of Arizona:

Territorial Teachers' Association of Arizona.

The Territorial Teachers' Association of Arizona, which represents every section and every important institution of public education in the Territory, in annual session in Flagstaff, Ariz., December 28-31, 1904, hereby expresses by unanimous voice the strongest and most urgent opposition to the union of Arizona and New Mexico in one State under any circumstances whatever. The differences of educational organization and social conditions, the size of the proposed State, and the difficulties of intercommunication between the different sections are unanswerable arguments against such a union.

A. H. MCCLURE, President.
MARY B. POST, Secretary.

I have also received from the students of the normal school of Arizona, 220 in number, a protest against the admission of Arizona and Oklahoma as one State.

Mr. NEWLANDS. Mr. President, with the permission of the Senator from Kentucky, I should like to have read at this time a telegram which I have just received from the speaker of the house and the president of the council of Arizona, expressing the unanimous sentiment of the people of that Territory against joint statehood.

Mr. McCREARY. I yield to the Senator from Nevada for that purpose.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

PHOENIX, ARIZ., January 20, 1905.

F. G. NEWLANDS,
Senate, Washington, D. C.

To the Senate of the United States:

"We, the legislative assembly, presenting the unanimous sentiment of the people of this Territory, most respectfully, earnestly, and emphatically protest against the proposal embodied in the bill now pending before the Senate of the United States to make one State of the Territories of Arizona and New Mexico. We insist that such is without precedent in American history. It threatened to fasten upon us a government that would be neither of, by, nor for the people of Arizona. It would be a government without the consent of the governed. It humiliates our pride, violates our traditions, and would subject us to the domination of another Commonwealth of different traditions, customs, and aspirations. With the most kindly feeling toward the people of the Territory of New Mexico, we must protest against this proposed union, and would rather remain forever a Territory than accept statehood under such conditions.

"Resolved, further, That the text of this resolution, over the signatures of the president of the council and the speaker of the house, with the vote by which it was passed, be forthwith telegraphed to the President of the Senate, to our Delegate in Congress, to Senators BATE, GORMAN, BARD, NEWLANDS, BAILEY, FORAKER, MORGAN, and BACON, and to Marcus A. Smith."

Above resolution passed house and council by a unanimous vote.

WILFRED T. WEBB, Speaker of House.
Geo. W. P. HUNT, President of Council.

Mr. McCREARY. The proposition to join Arizona and New Mexico in one State was first presented in the House of Representatives in December, 1903, and the opposition to uniting Arizona and New Mexico was not confined to Arizona, but existed in New Mexico as well. The Delegate from New Mexico [Mr. RODEY], before the committee of the House of Representatives, said:

"The people of the Territory of Arizona, as I am at present advised, would vote as a unit against such a bill; and 60 or more per cent of the people of New Mexico would vote this minute to defeat a constitution under it. If they shall change their minds it will only be by coercion after this Congress has denied their just demands.

I present also, to show the sentiment of New Mexico, an extract from the letter of acceptance of Hon. William H. Andrews, who was elected last November the Delegate from New Mexico to Congress, as follows:

"If elected I will have introduced and will work earnestly for the passage by Congress of a bill granting statehood to New Mexico under its present name and within its present boundaries, and donating to the Territory a liberal amount of public land and money for its public schools, institutions, and other public purposes.

Mr. President, if any further evidence is needed to show that New Mexico is opposed to being united with Arizona to form one State, it was presented this morning when a memorial

dated January 19, 1905, was read in the Senate of the United States, which passed both houses of the legislative assembly of the Territory of New Mexico by a vote of 10 to 2 in the council and 21 to 3 in the house, protesting to the Senate of the United States against the passage of the statehood bill with the clause providing for the admission of New Mexico and Arizona as one State.

The memorial was duly signed by the president of the council, John B. Clark, and by the speaker of the house, Carl A. Dailies, and approved by Miguel A. Otero, governor of New Mexico.

When we consider all the protests that have been made against the passage of the bill to unite Arizona and New Mexico as one State we may well call the pending bill a force bill, opposed alike by the people of Arizona and New Mexico.

It has been said, however, it is not the purpose of this bill to compel Arizona to unite with Mexico in forming one State, but only to give the people of the two Territories the privilege and opportunity of being admitted into the Union in that manner, if they so desire. This is misleading, if not a direct misrepresentation. If we examine the bill we will see that the bill proposes to submit to the electors of the two Territories jointly the question whether Arizona shall, without the consent of her people, be joined with New Mexico in a new State. Even if the whole vote of Arizona should be cast unanimously against the adoption of the proposed constitution it would be within the power of the voters of New Mexico to force upon the people of Arizona the acceptance of the new State government. The results of the last elections for Delegates prove this assertion. Arizona cast only 19,667 votes, and New Mexico cast 43,011 votes. Arizona has only 31,677 registered voters, and New Mexico 64,422 registered voters.

The pending bill gives Arizona a representation in the constitutional convention of only forty-four delegates, while New Mexico is given a representation of sixty-six delegates. Thus we see that under the pending bill the fate of Arizona depends not on the wishes of her people, but upon the wishes and aspirations of the people of New Mexico.

The Arizona delegates would be utterly powerless in the constitutional convention, as they would be utterly powerless in the legislature of the new State, and on all questions providing for taxation, State regulation, and control of internal affairs and debts of the respective Territories, etc., Arizona would be at the mercy and under the control of New Mexico. The bill also places before the people of both Territories as an inducement for their acquiescence a seductive offer of \$5,000,000 in ready money to be paid by the United States Government and a grant of four sections of land to each township for educational purposes, which is twice as much as was given to nearly all the older States west of the Mississippi River.

The treaty of Guadalupe Hidalgo was entered into between the United States and the Republic of Mexico November 22, 1848, and the Gadsden treaty December 30, 1853. Under these treaties our Republic acquired what is now the Territories of New Mexico, Arizona, the States of California, Nevada, Utah, and a part of Colorado. At that time Arizona was a part of New Mexico, and the creation of the Territory of Arizona was first recommended by President Buchanan in his message to Congress March, 1857. His reasons for it were:

First, to give the people then residing in New Mexico in the county of Arizona (700 miles from the seat of the then Territorial government of New Mexico, which gave them no protection) civil government for themselves, to be of better assistance to the Federal authority.

Second, to afford to them a more economical form of government where the seat of government would be within easy reach of them, and their affairs be administered at much less cost. (See President's message, vol. 5, p. 456, March, 1857.)

On the 23d December, 1861, the records of Congress show that Mr. Watts, then a Delegate from New Mexico, introduced House bill No. 357, providing for temporary government for Arizona, thereby dividing the Territory of New Mexico as nearly in halves as could be done, drawing a line directly north and south through New Mexico and following the Continental Divide, so that the waters to the east and on the now New Mexico side flowed to the Atlantic, and those on the west and on the Arizona side flowed to the Pacific.

The bill provided among other things that said temporary government shall be maintained and continued until such times as the people residing therein shall with the consent of Congress form a State government, etc.

This bill was discussed in two sessions of Congress, and Senator Wade, of Ohio, called attention to the fact that "the principal point of population in Arizona is 700 miles from the seat of justice in New Mexico and that Arizona and New Mexico con-

stitute a country larger than half of Europe." The bill was approved by President Lincoln November 26, 1863.

I have referred particularly and at some length to the bill creating the Territory of Arizona, because both President Buchanan, in his message, and President Lincoln, by his approval of the bill to create Arizona Territory, emphasize two strong points now relied on to justify separate statehood for each of the Territories of Arizona and New Mexico, one being that Arizona and New Mexico lie on different sides of the great Continental Divide, embracing so much territory, and each being so distant from the center of business and the governing authorities, they should be divided, as nature had divided them by a great mountain range lying between the two Territories from 5,000 to 8,000 feet high, which can be passed only at certain points, and impracticable for passage from one Territory to the other for long distances. The other, that the act for the creation of Arizona Territory, provides that said temporary government shall be maintained and continued until such time as the people residing therein shall, with the consent of Congress, form a State government, republican in form, as prescribed in the Constitution of the United States, and apply for and obtain admission into the Union as a State on an equal footing with the original States, and that this is a compact between Congress and the people of the Territory of Arizona similar to the compact contained in the ordinance of 1787, which has already been so ably and fully discussed, both by the Senator from North Carolina [Mr. SIMMONS] and the Senator from California [Mr. BARD], and which assured to the inhabitants of the territory northwest of the Ohio certain rights, privileges, and advantages, among which was the right to maintain the boundaries of their separate States for territorial subdivisions and eventually be admitted as States of the Union.

To unite these Territories now in one State, when the inhabitants of each Territory are not asking it, and in opposition to natural barriers, and in opposition to the compact contained in the act creating the Territory of Arizona, is not only gross injustice to the inhabitants thereof, but a violation of a just and important compact.

These Territories are also much too large for one State, and when combined would have a larger area than any other State in the Union, except Texas; they have been separate and have had independent Territorial existence for over forty years; their people have different tastes, different aspirations, different history, different governments, different codes, different laws, different debts, which, under one government, would be difficult to adjust, and the reasons which caused them to be separated so many years ago not only exist now but have become stronger and more numerous.

I believe New Mexico, Arizona, and Oklahoma are ready for separate statehood. Each of these Territories have grand possibilities and almost unequalled foundations for prosperity, wealth, and advancement. Their people are loyal to the General Government; they are intelligent and thrifty; they have already made great progress in national wealth, and they respect the courts and are obedient to the laws.

When the Federal Constitution was adopted our Republic had a population of about 4,000,000, and comprehended the thirteen original States as then bounded, together with the Northwest Territory.

The ordinance of 1787 provided for the temporary government and future division of the Northwest Territory into States, to be admitted "whenever any of said States shall have 60,000 free inhabitants therein."

The rule of 60,000 population for a Territory seeking admission as a State was observed for some time. Subsequently another rule was adopted for Kansas, requiring a population equal to the unit of representation in the House of Representatives, but this rule was not adhered to very long, and the State of Nevada was admitted, in 1864, with an area of 109,901 square miles and a population of 42,491.

Article IV, section 2, of the Constitution of the United States provides that "new States may be admitted by Congress into the Union," but the Constitution nowhere defines the qualifications of Territories for statehood. There is no rule of law or uniform precedent that determines when a Territory may become a State in the Union.

The people of each of the Territories of New Mexico, Arizona, and Oklahoma desire statehood.

The population is of such nature and cultivation as to justify admission.

These Territories possess sufficient taxable wealth to maintain State governments according to the standard of American Commonwealths.

In support of these statements I shall refer briefly to each Territory.

New Mexico was created a Territory September 9, 1850. According to the statement of Hon. B. S. RODEY, present Delegate from New Mexico, this Territory has had her bill passed in the House of Representatives for admission into the Union as many as seventeen times, and once it passed both Houses of Congress, but failed in the House in conference.

New Mexico has an area of 122,580 square miles. It is larger than New York and Pennsylvania combined, or the two States of Iowa and Illinois. It is three times as large as the State of Ohio, and if admitted will be the fourth State in size in the Union, Texas, California, and Montana being the only States that are larger. Its area in acres is 78,451,200, and of this 23,353,666 acres are included in Spanish, Mexican, and United States railroad land grants, and in homestead and private holdings, leaving as public domain 55,097,534 acres.

According to the last census of 1900, its population was 195,310 people, but it has been claimed that this census report is incorrect and incomplete, and that the actual population at the time the census was taken was nearly 300,000 people, and that the Territory has gained in population more than 30,000 since the census was taken in 1900.

Expectation of population, founded on past increase of the population of New Mexico, is stated by Governor Otero in his report to be 400,000 in 1910, composed, as he says, of intelligent, enterprising American people, second to none in patriotism, culture, and progress. He also says the standard of the Territory in all financial centers of the world is gilt-edged.

I shall not go into details or give full statistics about this Territory, which is a little empire in area, resources, and productions.

In 1900 New Mexico had farms valued at \$53,737,824; farm products valued at \$10,000,000; live stock valued at \$31,727,400; farms under irrigation, 9,128; public lands subject to entry under Federal land laws on June 30, 1903, \$52,000,000; area of prospected coal lands, 1,493,480 acres; amount of coal in sight, 8,813,800,000 tons, valued at \$10,000,000,000; 2,520 miles of railroad; gold, silver, copper, and lead in great abundance; 1,123,000 cattle; 5,674,000 sheep; 97,500 horses; State and national banks, and splendid educational facilities, etc.

These figures are from the House report and they prove beyond a doubt that New Mexico is entitled to be a sovereign State.

Arizona was created a Territory in 1863, and the people of this Territory have applied for admission into the Union many times. The able, faithful, and efficient Delegate from Arizona, Hon. Marcus A. Smith, was untiring and unceasing in his efforts for twelve years to secure statehood for Arizona and he has always shown his cause was just. The present Delegate, Hon. J. F. WILSON, has also been earnest, efficient, and faithful in his efforts in this work.

Arizona has an area of 113,920 square miles, or 73,000,000 acres. The Delegate from Arizona claims a population of not less than 175,000, and the Senator from Minnesota, Mr. NELSON, in his recent speech fixed the population at 161,931. It contains the largest forest area in the United States, being 6,700,000 acres. Its agricultural wealth and mineral resources are just beginning to be developed. Of its population, not counting Indians, Governor Brodey estimates only about 1 per cent are illiterate. The population is almost entirely American. Of course, this excludes 27,000 Indians, who are not taxed and who are illiterate.

The mineral belt of this Territory is one of the largest in the world and extends from Nevada and Utah in the northwest a distance in length of 437 miles by about 100 miles in width. One thousand eight hundred and forty mines are patented in this Territory, out of which are taken annually about \$50,000,000, the output consisting of gold, silver, and copper. There are over 800 miles of irrigating canals, and 3,867 farms irrigated, embracing 247,250 acres, with soil that will produce all the tropical fruits as well as the usual farm products, and this Territory has great lumber plants and over 1,400 miles of railroads and excellent educational facilities, and banks, factories, and all the conveniences of a thrifty, progressive people.

It is not necessary for me to dwell on the resources and conditions of Arizona. It is sufficient for me to say the resources of Arizona are as boundless as its area, which is greater in extent than Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and Delaware, and its conditions and improvements are up to date and equal to other western Territories.

The people of Arizona have for forty years lived under a Territorial government; they have seen Montana, Washington, North Dakota, South Dakota, Idaho, Wyoming, and Utah admitted into the Union as States, while Arizona has been left out, though as well equipped as any, and indeed far better than some

of those mentioned for the duties and obligations of statehood. Twice the bill passed the House of Representatives to admit Arizona as a State, but it did not pass the Senate; and through all these years the Federal Government has imposed every burden of citizenship on the people of this Territory, and at the same time withheld its benefits by denying them the right to participate in Federal legislation and have a voice in the enactment of laws in which they are deeply interested and by which they are governed.

Mr. President, to force this Territory now to be merged into the Territory of New Mexico and to be controlled, burdened, or impoverished as a majority may wish, is a monumental mistake and Congressional tyranny.

Of all the Territories Oklahoma is the young giant; she has an area of 38,880 square miles, or 24,979,200 acres, and by the census of 1900 her population was 398,331. The first settlement was made of this great and growing Territory April 22, 1889. The census of 1900 shows a population of 398,331, which is six times as large as it was ten years before, the increase being over 540 per cent, and only about 3 per cent of the population was foreign born. The increase of population in all parts of this remarkable Territory since the census of 1900 and the growth of the cities and towns have been phenomenal.

The governor of Oklahoma, in his report for the year ending June 30, 1901, estimates the increase for that year at not less than 60,000. It is claimed now by the best authorities in Oklahoma that the present population is not less than 500,000, and that the increase in the value of property has kept pace with the rapid increase in population.

No Territory has ever applied for admission into the Union since the organization of our Government which had as many inhabitants as the Territory of Oklahoma now has. A number of States have been enjoying for years the rights, privileges, and advantages of statehood which have a smaller number of people within the boundaries of each than the Territory of Oklahoma.

The value of taxable property in this Territory is now placed at not less than \$300,000,000, and according to the last reports there are in this Territory 120 Territorial banks and over 100 national banks.

Oklahoma is very largely a farming section, and it is said surpasses other sections of the country in raising the four great staples, wheat, corn, oats, and cotton, on the same tract of land. In this discussion others have referred at length to the farm and farm products, mineral resources, corporations, railroads, educational facilities, etc., of Oklahoma, and it is therefore not necessary for me to again present statistics on these subjects.

Thirty-two States have been admitted into the Union since the colonies gained their independence, or since the admission of Vermont in 1791 to the admission of Utah in 1896, and I now present a list of the States admitted, with date of admission and population.

State.	Date of admission.	Population.
Vermont.....	Mar. 4, 1791	85,425
Kentucky.....	Mar. 4, 1792	73,677
Tennessee.....	June 1, 1796	60,000
Ohio.....	Nov. 29, 1802	42,366
Louisiana.....	Apr. 12, 1812	76,506
Indiana.....	Dec. 11, 1816	24,520
Mississippi.....	Dec. 10, 1817	75,448
Illinois.....	Dec. 3, 1818	53,211
Alabama.....	Dec. 14, 1819	127,901
Maine.....	Mar. 15, 1820	298,335
Missouri.....	Aug. 10, 1821	66,586
Arkansas.....	June 15, 1836	52,240
Michigan.....	Jan. 26, 1837	160,000
Florida.....	Mar. 8, 1845	72,000
Iowa.....	Dec. 28, 1846	153,000
Wisconsin.....	Mar. 3, 1848	300,000
California.....	Sept. 9, 1850	92,527
Minnesota.....	May 11, 1858	172,053
Texas.....	Mar. 1, 1845	150,000
Oregon.....	Feb. 12, 1859	52,465
Kansas.....	Apr. 13, 1860	107,206
West Virginia.....	Jan. 19, 1863	440,000
Nevada.....	Oct. 31, 1864	42,491
Nebraska.....	Mar. 1, 1867	122,963
Colorado.....	July 4, 1876	135,000
North Dakota.....	June 2, 1889	182,719
South Dakota.....	do.....	328,808
Montana.....	Nov. 8, 1889	132,159
Washington.....	Nov. 11, 1889	340,390
Idaho.....	July 3, 1890	82,385
Wyoming.....	July 10, 1890	60,703
Utah.....	July 4, 1896	276,746

Out of thirty-two States that have been admitted into the United States only five of this number have ever been admitted with more people than the Territory of Arizona has to-day.

Only two of this number had more people than the Territory of New Mexico, and not one of them had the population that Oklahoma now has.

If Oklahoma was united with Indian Territory, as provided in the pending bill, the population would be over 1,000,000, and the area would be 69,830 square miles, with 44,691,200 acres of land. This State would not be in proportion to other States when admitted.

When the great Territory of Dakota applied for admission into the Union its population and resources were about the same as Oklahoma at the present time, but Congress in its wisdom divided this Territory and made the States of North Dakota and South Dakota. All appreciate the wisdom of Congress now in making that division. This is an age of progression and not of retrogression, yet we are asked in the pending bill to make only two States out of four great Territories.

No man lives to-day who can tell what the future has in store for the States and Territories of our great Republic; no man lives now who can foretell what the great and undeveloped West will be in the future with reference to political affiliations, commercial power, agricultural and industrial wealth.

When in 1803, under President Thomas Jefferson, the Louisiana territory was acquired no human being predicted such a galaxy of States, such grand wealth, such splendid resources, such wonderful developments as were reviewed and commemorated last year at the great Louisiana Purchase Exposition.

The acquisition of the Louisiana territory deserves to rank next to the achievement of our national independence, and we may appropriately say that, while the Declaration of Independence and the successful establishment of our great Republic were the greatest American achievements of the eighteenth century, the acquisition of the Louisiana territory, which did so much to open the way for our Republic to become the admiration of mankind and the model Republic of the world, was the greatest achievement of the nineteenth century.

The acquisition of territory under the Guadalupe Hidalgo treaty and the Gadsden treaty was another great achievement, and we should in the formation of States in the great area of territory acquired from Mexico do nothing which may hamper, confine, or limit us unnecessarily in the future.

We should not at this time forget platform promises made in national conventions by both the Republican party and the Democratic party.

In 1892 the Democratic national convention at Chicago declared:

We approve the action of the present House of Representatives in passing bills for the admission into the Union as States of the Territories of New Mexico and Arizona.

In 1892 the Republican national convention had a resolution in its platform declaring that it favored the admission of the remaining Territories, as follows:

We favor the admission of the remaining Territories at the earliest practicable date, having a due regard to the interests of the people of the Territories of the United States.

In 1896 the Democratic national convention at Chicago emphatically favored the admission of the Territories of New Mexico, Arizona, and Oklahoma, as follows:

We favor the admission of the Territories of New Mexico, Arizona, and Oklahoma into the Union as States, and we favor the early admission of all the Territories having necessary population and resources to entitle them to statehood.

In the same year, 1896, the Republican party in national convention practically took the same position, as follows:

We favor the admission of the remaining Territories at the earliest practicable date, having due regard to the interests of the people of the Territories of the United States.

In 1900 the Republican national convention at Philadelphia again declared:

We favor home rule for and the early admission to statehood of the Territories of New Mexico, Arizona, and Oklahoma.

Because of the failure of the Republican party to keep this promise of 1896 the national Democratic convention at Kansas City in 1900 adopted a resolution declaring:

We denounce the failure of the Republican party to carry out its pledges to grant statehood to the Territories of Arizona, New Mexico, and Oklahoma. We promise the people of these Territories immediate statehood and home rule during their condition as Territories.

At the last national Democratic convention held at St. Louis in July, 1904, Democrats in their national platform declared:

We favor the admission of the Territories of Oklahoma and the Indian Territory. We also favor the immediate admission of Arizona and New Mexico as separate States, and a Territorial government for Alaska and Porto Rico.

The interests and rights of the people in each of these Territories are so vast and vital that there should be no partisanship

in considering the question of their admission into the Union, and as both of the great political parties stand pledged in their national platforms to give separate statehood to the Territories of Arizona, New Mexico, and Oklahoma, it is to be regretted that platform pledges were disregarded in the report and recommendation for passage of the bill now under consideration. I hope and believe that Senators will act justly toward the people of these Territories and remember their platform pledges.

Mr. President, each of the Territories of Arizona, New Mexico, and Oklahoma have complied with every requirement heretofore made by Congress for admission of Territories into the Union as States.

Each of these Territories have population more than sufficient for representation in Congress.

Each of these Territories have more wealth than is necessary to support all the expenses of statehood, and each of these Territories have institutions in harmony with republican government as understood and required when a Territory seeks to become a Commonwealth.

Mr. President, I have consumed more time than I had expected. In conclusion, I say that the great Territories of Arizona, New Mexico, and Oklahoma should be admitted without delay into the Union. Give to their waiting, anxious, patriotic people the separate statehood they so much desire and so richly deserve. Let the destiny of the Indian Territory be worked out as rapidly as possible, and Congress will soon be able to settle all problems connected with that rich and splendid Territory, with 31,000 square miles of actual land service and a population of 392,000, four-fifths of whom are whites, and after a little while admit Indian Territory as an independent State. In the meantime this Territory should be encouraged and benefited by a wise and just Territorial government. Thus, Mr. President, we will do justice to people who have builded four great Commonwealths, and instead of two we will add four States to the great galaxy of States, and instead of two we will add four stars to the flag which floats over the "land of the free and the home of the brave."

Mr. BATE. Has the Senator from Minnesota [Mr. NELSON] any suggestion to make? Does any Senator on the other side desire to be heard?

Mr. NELSON. I do not know that anyone on this side is ready to go on. The senior Senator from Ohio [Mr. FORAKER] intends to speak, but he is not ready to go on to-day.

Mr. KEAN. I understand that the Senator from Tennessee is ready to go on.

Mr. BATE. No; I do not propose to speak, if the Senator from Minnesota desires to say something.

Mr. NELSON. I have no desire at present to enter into the discussion. I shall be glad to hear from the Senator from Tennessee.

Mr. BATE. I have but little to say this evening, sir.

Mr. President, I have many documents here which have been sent to me upon this question, showing the popular sentiment, particularly in New Mexico and Arizona. I have a great many of them here, but I have not troubled the Senate by putting them in. However, I have one or two on which I think I ought to say something and which should go before the Senate.

Here is one sent to me from Maricopa County, in Arizona, that has upon it the signatures of seventeen hundred persons from that one county, remonstrating against being united with New Mexico and desiring Arizona to be an independent State. That I send to the Secretary. Of course I do not ask that it be read, because there are a number of names upon it.

The PRESIDING OFFICER (Mr. PATTERSON in the chair). What is the desire of the Senator from Tennessee in regard to the memorial?

Mr. BATE. I have sent it to the Secretary's desk.

The PRESIDING OFFICER. Does the Senator desire to have it printed in the RECORD?

Mr. BATE. As I stated, I present the memorial from that county, with seventeen hundred names attached to it, in favor of Arizona being an independent State and not being united with New Mexico.

The PRESIDING OFFICER. Does the Senator from Tennessee desire to have the memorial printed in the RECORD?

Mr. BATE. No, sir; I do not wish to have the seventeen hundred names printed. Let it lie on the table for the present.

Mr. CULLOM. The Senator from Tennessee simply presents the memorial.

Mr. BATE. Yes, sir. I have several others that I will present subsequently. With the permission of the Senate, this evening I will have but little to say on certain points. The matter has been discussed very freely in some respects, but there are a good many amendments here. Those amendments have not yet been discussed. I do not propose to discuss them now.

I wish to hear from the authors of those amendments before I take a position upon them or before I am ready to vote upon them. I merely suggest that I will this evening go on with some remarks against the bill in general. I oppose the bill in toto.

The PRESIDING OFFICER. The Senator from Tennessee will proceed.

Mr. BATE. Mr. President, the bill and its amendments, reported from the Senate Committee on Territories to H. R. No. 14749, is so contrary to the pledges of both political parties from 1888 to the Fifty-eighth Congress, to the expression of public opinion by the representatives of the people, to the desires and wishes and expectations of the peoples of the Territories, and so fraught with future trouble to the people of the United States, that I, as a Senator and a member of the Committee on Territories, can not approve the departure from precedent and principle which underlies this consolidation of peoples whose differing conditions of civilization utterly unfit them when they become a State for that close and intimate relationship that is necessary for the prosperity of a State.

The "whip-and-spur" process of legislation, as the public records show, was applied in the House of Representatives, as here, for the passage of this bill, which, having been reported to the House from the Committee on Territories on April 8, 1904, was, on April 19, under an ironclad rule, excluding amendments and permitting a debate of only three and one-half hours, and never having been read to the House, on that latter day expedited into an act and is now pressed for passage by the Senate.

The Senate's peculiar and admitted function to prevent hasty and ill-considered legislation which its liberal rules were designed to secure, is now on test in this most important measure, which affects alike the membership of the Senate, the future peace and prosperity of the peoples of these Territories, and the welfare of the Union.

This bill was hatched from a nest of eight Territorial bills, not one of which provided for the combination of New Mexico and Arizona. The distinguished Senator from California [Mr. BARD] has handled all those Territorial eggs and shown how "S. 879 and 878, H. R. 848, H. R. 4078, and H. R. 13524" were added in the incubation which produced this double-headed rooster now lustily crowing for admission as two States.

Not one of the bills offered in either House provided for the combination of New Mexico with Arizona, and the people of neither Territory ask or desire that combination, while only two of the bills provided for the union of the Indian Territory with Oklahoma, and neither of those bills came from either Territory.

This double-yolked Territorial egg was laid by the chairman of the House Committee on Territories, and his incubator hatched it in three and one-half hours—the shortest period of gestation known to biological investigation. And now the Senate is asked by the Committee on Territories to play the part of brooder and to develop this nondescript chick into a full-fledged capon.

Never before in my service in the Senate has a measure of so much vital importance reached our consideration with so little explanation of the reasons and arguments to justify so great a departure from established precedents. For that departure there is no explanation vouchsafed the Senate, and none to the public in the reports to this Congress from either Committee on Territories. We are asked to disregard absolutely the wishes and aspirations for statehood by the people of each Territory and to combine them into two States despite their protests and their wishes.

We are asked to accept and ratify this scheme of combination upon the suggestion of the majority of two committees whose minority representation strongly oppose both recommendations, and upon the suggestions of such majorities of committees, without explanation, reason, or argument, to determine for all time the future rights and welfare of nearly 2,000,000 American citizens against their convictions, their wishes, and their protests.

The nonpartisan character of the opposition to this combination of peoples is attested by the fact that some Senators, like the late Mr. Quay, have opposed in report and speeches this combination by strongly advocating the admission to statehood of the Territories of Arizona, New Mexico, and Oklahoma. That nonpartisan character of opposition to combinations is again emphasized by able speeches from Senators like Mr. BARD of California. That nonpartisan opposition to combinations of peoples finds its justification in the report made by the Senator from Indiana December 10, 1902 (Report No. 2206), that it would be "wiser and better for the Territories" to wait longer for admission than to be brought into the Union "bunched together." "Bunched together"—how well that describes this exploit.

The practice of late years for Congress to pass enabling acts for the formation of a constitution does not alter the fact that Arkansas, Michigan, Minnesota, Oregon, Idaho, and Wyoming were admitted into the Union without an enabling act and simply upon their conventions having formed a constitution. They came in under that "right inherent" in their people, which the Republican platform of 1888 recognized as existing, without conditions of any kind, except those of population and of a republican form of government. New States are not created "by act of Congress, but by the acts of their people, which Congress ratifies in their admission."

The conditions of admission heretofore imposed by Congress had their origin in the slavery question in nearly every case; the power thus assumed has become accepted as of right. But the "right inherent" to the people of a Territory to be admitted into the Union may be defeated, but can not be destroyed by Congress. These Territories having each for itself attained to the conditions of statehood, the duty of Congress is to admit them into the Union in the form they have taken, and not to shape for them a form they do not desire and can not assume with safety for their future welfare.

How far this new scheme for consolidating peoples of different Territories into a State has departed from the practice of the early days will be readily seen by a short review of the well-known and well-beaten way heretofore followed for the admission of new States.

Before the Constitution of the United States was completed in the convention a pathway was blazed by the Confederation for the admission of Canada into the Confederation. Virginia widened the way by her ordinance of July 13, 1787, creating "the territory northwest of the Ohio River," and providing as a condition to her grant for the division of the territory into States—"not less than three, nor more than five"—which secured compact, but not immense territorial areas for the several States.

It will be apparent upon examination of the earlier ordinance of 1784, and that of 1787, that both Virginia as grantor and the Confederation regarded Territorial existence as merely that of waiting for sufficient population to sustain the expense of government by a State—for its express provision relates only to "States." Article V provides that 60,000 inhabitants in the Territory should entitle the people to admission into the Union. That number of inhabitants could have had no reference to the apportionment of representation, because the ordinance was anterior to the Constitution of the United States, the date of the ordinance being July 13, 1787, and that of the Constitution being September 17, 1787, and the apportionment for representation in the first Congress was one Representative to every 30,000 inhabitants.

The only conditions imposed upon the new States was that of population and that of the republican form of its government. Those conditions satisfied, the ordinance provided that—

such States shall be admitted by its Delegates into the Congress of the United States on an equal footing with the original States in all respects whatever.

All that may be "ancient history," dim and dusty, but it points a moral—that Congress ought always to observe in relation to the admission of States. The fanciful "qualifications for statehood," first discovered in the report from the Committee on Territories, No. 2206, page 2 (57th Cong., 2d sess.), that the admission of a new State involves as to "education, morals, and other elements of citizenship. Second, the interests of the remainder of the Republic" has neither shape nor form nor inference in the earliest provisions for the admission of new States.

Nor is there a place or room in the ordinance of 1787, or in the precedents that have followed that ordinance in the admission of new States, for the conclusion in Report No. 2206 (57th Cong., 2d sess.), deduced from premises unknown to the history of the physical development of the Union, that the qualification for statehood involves—

First, the number of people asking for admission;
Second, the condition of those people as to educational, moral, and other elements of citizenship;

Third, the extent of territory occupied by them;
Fourth, the extent to which they have developed the resources of that territory; and

Finally, the extent and character of all natural resources, both developed and undeveloped.

That the people must be sufficient in number; they must be on an equality with the remainder of the people of the nation in all that constitutes effective citizenship; they must have developed the resources of the land they occupy, and have further resources susceptible of like development to bring their proposed new State up to the average of the remainder of the nation.

These requirements grow out of the nature of our form of government.

Upon all of these qualifications Congress is of course the judge.

To the first or population clause there is no exception. Of course population and territory are necessary to a State—the other so-called qualifications are but premises leading up to the increase in membership of the Senate. Nor can one find in history of the admission of new States any reference whatever to the "interest of the remainder of the Republic." In the admission of Vermont, the first new State to enter the Union, she came into the Union despite the claims of New York and New Hampshire to the territory under their old patents.

To quiet New York, Congress voted \$30,000 for a quitclaim release, and Vermont became a State by the act of February 18, 1791, to take effect March 4, 1791. Vermont, admitted as a free, sovereign, and independent State, made the precedent upon which nearly half a century after Texas, another free, sovereign, and independent State, became a member of the Union. Neither Vermont nor Texas was formed out of territory belonging to the United States. Both were "States" before as well as after admission, and "new" only in the sense of recent admission.

"The territory south of the Ohio River" was organized by act of May 26, 1790, and included Kentucky and Tennessee. As Kentucky was the first State formed out of territory belonging to the United States, the mode of admitting the State will not be uninteresting. In his second annual message, of date December 8, 1790, General Washington writes:

Since your last session I have received communications by which it appears that the district of Kentucky, at present a part of Virginia, has concurred in certain propositions contained in a law of that State, in consequence of which the district is to become a distant member of the Union in case the requisite sanction of Congress be added. For this sanction application is now made. I shall cause the papers on the very important transaction to be laid before you. The liberality and harmony with which it has been conducted will be found to do great honor to both the parties, and the sentiment of warm attachment to the Union and its present Government expressed by our fellow-citizens of Kentucky can not fail to add an affectionate concern for their particular welfare to the great national impressions under which you will decide on the case submitted to you.

To which the Senate replied, December 10, 1790:

In confidence that every constitutional preliminary has been observed, we assure you of our disposition to concur in giving the requisite sanction to the admission of Kentucky as a distinct member of the Union, in doing which we shall anticipate the happy effects to express the sentiments of attachment toward the Union and its present government, which have been expressed by the patriotic inhabitants of that district.

And the House, replying to the President, said:

The preparatory steps taken by the State of Virginia, in concert with the district of Kentucky, toward the creation of the latter into a distinct member of the Union exhibit a liberality honorable to the parties. We shall bestow on this important subject the favorable consideration which it merits, and, with the national policy which ought to govern our decision, shall not fail to mingle the affectionate sentiments which are awakened by those expressed on behalf of our fellow-citizens of Kentucky.

The affectionate sentiment of the patriotic inhabitants of the district came when the mouth of the Mississippi River and the Territory of Louisiana were in hostile hands and Kentucky and Tennessee, fronting on the river, were the "buffer States" which would first experience the hostilities that might take place. Hence there was no long delay or any very particular inquiries into "requisite conditions" of the district of Kentucky.

Passing over the efforts of the people of Tennessee in the year 1785 to become a member of the Union under a constitution formed without permission from any authority except that arising from the inherent right of every people to home rule, the records show that two years after the admission of Kentucky Tennessee became a State of the Union, in 1796, under a constitution formed without previous authority from any source whatever—a case of home-rule or local self-government. The State was admitted without any inquiry into "requisite conditions" as to "education, morals, and other elements of citizenship" or any so-called "civil-service examinations," or to the extent to which they had developed the resources of that country or "as to the extent and character of all natural resources, both developed and undeveloped," as laid down in the report, 2206, of the Fifty-seventh Congress.

I can not discover by examination of records that Congress has ever, in the admission of a State, required "an equality with the remainder of the people of the Republic in all that constitutes effective citizenship," or required as a condition of admission that the applying people "must have developed the resources of the land they occupy and have further resources of like development to bring their proposed new State up to the average of the remainder of the States," or that "these requirements grow out of the nature of our form of government." It is certain that no such "requirements" had any existence in the admission of Vermont, Kentucky, or Tennessee.

In a message to Congress, December 8, 1796, on the act of cession of North Carolina, President Washington wrote:

Among the privileges, benefit, and advantages thus secured to the inhabitants of the territory south of the river Ohio appears to be the right of forming a permanent constitution and State government, and of admission as a State by its delegates into the Congress of the United States on an equal footing with the original States in all respects whatever, when it should have therein 60,000 free inhabitants, provided the constitution and government so to be formed should be republican and in conformity to the principles contained in the articles of said ordinance.

That is, President Washington says all that is necessary is to conform to the ordinance of 1787 by having 60,000 inhabitants and a republican form of government—

As proofs of the several requisitions to entitle the territory south of the river Ohio to be admitted as a State into the Union, Governor Blount has transmitted a return of the enumeration of its inhabitants and a printed copy of the constitution and form of government on which they have agreed, which, with his letters accompanying the same, are herewith laid before Congress.

President Washington, in recognizing the 60,000 free inhabitants as the basis of population for a constitution and form of government, follows the requirements of the ordinance of 1787. But he went further and recognized the right of forming a permanent constitution and admission into the Union as something that must be done, but being done, gave to the people of the Territory the right to be put on an equal footing with the original States in all respects whatever.

Then the committee's requirements in Report No. 2206 (57th Cong.) submitted by the Senator from Indiana, Mr. Beveridge, are purely academic and without foundation in the previous admission of new States.

There is no "limit," in the sense of force, to the power of Congress to admit or refuse admittance to a new State, but in moral right, in that discretion with which the Constitution invests Congress, there is a limit, and the lines as drawn by President Washington and the Senate and House of the First Congress as the "constitutional preliminary" prescribe that limit, and the provision that "new States may be admitted into the Union" must be construed as obligatory on Congress when that necessity ends, which the Republican platform of 1888, recognized as the limit "of government by Congress of the Territories, to the end that they may become States in the Union." Otherwise there can be no reconciliation between the power of Congress and the "right inherent" in the people as also recognized in the same Republican platform.

Not one of those academic "qualifications" of the Report No. 2206 was applied to Ohio. By the act of May 9, 1800, to take effect July 1, 1800, the "Territory northwest of the Ohio" was divided into the "Territory of Indiana," which under the act of October 1, 1804, covered all Louisiana and reached to the Pacific and the Gulf. Ohio was admitted into the Union by the act of April 30, 1802, to take effect November 29, 1802. The records of her admission into the Union do not show that any inquiry was made into the education, morals, or industries of the people as "qualification" for admission. Ohio came in by virtue of that "inherent right" which Virginia had protected by the ordinance of 1787.

Louisiana, purchased in 1803, was created into the "Territory of Orleans" by act of Congress March 26, 1804, and that Territory, by the act of April 8, 1812, to take effect April 30, was admitted as the State of Louisiana. But again I fail to find that any of the academic qualifications discovered of late years were required of the people of Louisiana. But instead of fanciful, almost farcical, conditions, I find that a clear and decisive policy in a commercial sense dictated the early admission of that State, which projected the national authority to the Gulf and set up an everlasting barrier to interference with internal commerce along 10,000 miles of waterway.

Neither Arkansas, admitted in 1836; nor Mississippi, admitted by joint resolution in 1817; nor Illinois, admitted also by joint resolution in 1818; nor Alabama, admitted by joint resolution in 1819; nor Maine, in 1820, ever passed any civil-service examination as to education, morals, or industries.

The easy terms of admission into the Union under which twenty-three States were admitted into the Union took no notice whatever of the academic "qualifications" now set up before the people of New Mexico, Arizona, and Oklahoma.

Mr. President, it was the slavery question which instigated "conditions" as to admission into the Union, and in the case of Missouri was struck that "fire bell in the night," which continued to ring out its funeral peals from 1820 to 1865.

But education, morals, and industries played no part whatever in the admission of Missouri, the first State formed out of territory wholly west of the Mississippi River.

A period of sixteen years transpired between the admission of Missouri and that of Arkansas by act of June 15, 1836. The State when admitted had not the quota of population then required, and most of its history belonged to the period of French and Spanish occupancy. Then, if ever, was the proper time to inquire into the education, morals, and industries of the people, but no such qualifications were known to Congress as late as 1836, and only now through a strained effort to mislead as to the condition of New Mexico and Arizona.

Michigan was admitted in 1837. Mr. President, the trail of the French trader and the missionary had made a deeper impression on the civilization of Michigan than upon any other State, and river, bay, lake, and town bear witness to the French occupancy; but the education, morals, and industries of her people were not examined into to see if they were qualified to be a State of the Union. Michigan came in without civil service or any other examination. The State came in by virtue of the fact that her civilization and progress demanded greater facilities than were possible for her enterprising people in a Territorial condition.

Florida, with very little more than half the quota of population required, was admitted by act of March 3, 1845. Her long and eventful history under Spanish dominion might reasonably have suggested an examination into the education, morals, and industries of her people, but no such suggestion found expression in any legislation.

Iowa came in by act of December 28, 1846, a previous act of March 3, 1845, had provided for her admission, but question of unadjusted boundaries, not education, or morals, or industries, had arisen and delayed the actual admission until 1846.

Wisconsin, admitted by act of May 28, 1849, passed no examination into her education, morals, or industries, notwithstanding much of her territory shows the trail of French occupancy and ownership.

California, the first fruit of the Mexican conquest—never a Territory—was admitted September 9, 1850, and brought golden fruit into the country.

But, Mr. President, in that excited contest over the "Compromise of 1850," when sections as well as States were contesting for supremacy, no voice was heard for inquiry into the education, morals, and industries of the "forty-niners" who swarmed into the gold field—composed her vigilance committees—and without authority framed a constitution and demanded admission and got it.

The admission of Minnesota by act of May 11, 1858, and of Oregon by act of February 14, 1859, closed another period of easy admission into the Union without inquisition as to education, morals, and industries.

The question of admitting Kansas opened afresh the slavery question, "it tore agape the healing wound afresh," and for a period of several years actual warfare waged among her people with a multiplicity of constitutions, and her motto, "Ad astra per aspera," tells the story of her period of tutelage for statehood; but we find no civil-service examination nor anything akin to it required by Congress and no investigation into her education, morals, and industries when she was admitted January 29, 1861.

In the current political parlance of that day "the rape of West Virginia," consummated in 1862, raises no question as to the education, morals, or industries of her people; she entered the Union really without constitutional warrant.

Nevada, with boundaries as large as New York and population less than Delaware, was admitted October 31, 1864. Nebraska came in in 1867, Colorado in 1876, and Utah, conspicuous in the history of the country for her polygamous practices, escaped all inquiry into education, morals, and industries. The State of Washington, away up under the "fifty-four forty or fight" boundary, closes the acts of admission, and in not one of the acts or in any record accessible to inquiry can there be found a scintilla of evidence to sustain the academic qualifications of these latter days set forth in Report No. 2206.

Mr. NELSON. If the Senator from Tennessee does not desire to proceed further at this time I will move that the Senate proceed to the consideration of executive business.

Mr. BATE. I yield for that motion.

EXECUTIVE SESSION.

Mr. NELSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-three minutes spent in executive session the doors were reopened, and (at 4 o'clock and 18 minutes p. m.) the Senate adjourned until to-morrow, Saturday, January 21, 1905, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate January 20, 1905.

APPOINTMENT IN THE ARMY.

Military Secretary's Department.

Alexander O. Brodie, of Arizona Territory, to be assistant chief of the Record and Pension Office, with the rank of major, vice Edward S. Fowler.

TO BE ASSISTANT NAVAL CONSTRUCTOR.

Ensign James Reed, jr., to be an assistant naval constructor in the Navy from the 1st day of January, 1905, to fill a vacancy existing in that grade on that date.

WITHDRAWAL.

Executive nomination withdrawn January 20, 1905.

Edward S. Fowler (late major, additional paymaster, United States Volunteers), of New York, to be assistant chief of the Record and Pension Office, with the rank of major, from August 1, 1904.

CONFIRMATIONS.

Executive nomination confirmed by the Senate January 19, 1905.

POSTMASTER.

NORTH CAROLINA.

William A. Lloyd to be postmaster at Chapel Hill, in the county of Orange and State of North Carolina.

Executive nominations confirmed by the Senate January 20, 1905.

INDIAN AGENTS.

I. N. Steen, of Mayville, N. Dak., to be agent for the Indians of the Standing Rock Agency in North Dakota.

John R. Brennan, of South Dakota, to be agent for the Indians of the Pine Ridge Agency in South Dakota.

POSTMASTERS.

ALABAMA.

John R. Carter to be postmaster at Birmingham, in the county of Jefferson and State of Alabama.

Felix O. Dudley to be postmaster at Clanton, in the county of Chilton and State of Alabama.

ARKANSAS.

B. W. Allen to be postmaster at Hamburg, in the county of Ashley and State of Arkansas.

Edward E. Blackmon to be postmaster at Augusta, in the county of Woodruff and State of Arkansas.

J. H. Edwards to be postmaster at Blytheville, in the county of Mississippi and State of Arkansas.

Ernest Ritter to be postmaster at Marked Tree, in the county of Poinsett and State of Arkansas.

CALIFORNIA.

John E. Hoyle to be postmaster at Taylor, in the county of Shasta and State of California.

Flora S. Knauer to be postmaster at Reedley, in the county of Fresno and State of California.

COLORADO.

Orlando Rogers to be postmaster at Independence, in the county of Teller and State of Colorado.

George W. Summers to be postmaster at Gunnison, in the county of Gunnison and State of Colorado.

INDIAN TERRITORY.

Harry Jennings to be postmaster at Claremore, in District Four, Indian Territory.

IOWA.

John Q. Graham to be postmaster at Emerson, in the county of Mills and State of Iowa.

KENTUCKY.

J. L. Earlywine to be postmaster at Paris, in the county of Bourbon and State of Kentucky.

MISSOURI.

Alanson H. Dent to be postmaster at Osceola, in the county of St. Clair and State of Missouri.

William E. Templeton to be postmaster at Excelsior Springs, in the county of Clay and State of Missouri.

MONTANA.

George W. Padbury to be postmaster at Marysville, in the county of Lewis and Clarke and State of Montana.

NEBRASKA.

George Williams to be postmaster at Cambridge, in the county of Furnas and State of Nebraska.

NEW JERSEY.

John J. Anderson to be postmaster at Hackensack, in the county of Bergen and State of New Jersey.

Ezra F. Ferris, sr., to be postmaster at Chatham, in the county of Morris and State of New Jersey.

Henry Graham to be postmaster at Bridgeton, in the county of Cumberland and State of New Jersey.

John Hubbard to be postmaster at Asbury Park, in the county of Monmouth and State of New Jersey.

William H. Jernee to be postmaster at Jamesburg, in the county of Middlesex and State of New Jersey.

Howard V. Locke to be postmaster at Swedesboro, in the county of Gloucester and State of New Jersey.

NEW YORK.

Charles W. Clark to be postmaster at Oriskany Falls, in the county of Oneida and State of New York.

Newton A. Collings to be postmaster at Groton, in the county of Tompkins and State of New York.

Ezra C. Ferris to be postmaster at Croton on Hudson, in the county of Westchester and State of New York.

Frantz Murray to be postmaster at Dolgeville, in the county of Herkimer and State of New York.

OHIO.

John Campbell to be postmaster at Warren, in the county of Trumbull and State of Ohio.

Orrin W. Curtis to be postmaster at Swanton, in the county of Fulton and State of Ohio.

Thomas E. Dunnington to be postmaster at Malta, in the county of Morgan and State of Ohio.

George E. Reed to be postmaster at Prairie Depot, in the county of Wood and State of Ohio.

William W. Reed to be postmaster at Kent, in the county of Portage and State of Ohio.

George C. Watson to be postmaster at New Concord, in the county of Muskingum and State of Ohio.

PENNSYLVANIA.

Eli D. Robinson to be postmaster at Butler, in the county of Butler and State of Pennsylvania.

SOUTH DAKOTA.

Arthur B. Chubbuck to be postmaster at Ipswich, in the county of Edmunds and State of South Dakota.

UTAH.

Clifford I. Goff to be postmaster at West Jordan, in the county of Salt Lake and State of Utah.

Charles A. Guilwits to be postmaster at Price, in the county of Carbon and State of Utah.

WEST VIRGINIA.

Ellis L. Cassell to be postmaster at Eckman, in the county of McDowell and State of West Virginia.

EXTRADITION TREATY WITH SPAIN.

The injunction of secrecy was removed January 20, 1905, from a treaty between the United States and the Kingdom of Spain for the mutual extradition of criminals, signed at Madrid on June 15, 1904.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 20, 1905.

The House met at 12 o'clock noon.

Prayer by Rev. F. M. GREEN, A. M., LL. D., of Kent, Portage County, Ohio.

The Journal of the proceedings of yesterday was read and approved.

CEREMONIES IN CONNECTION WITH THE RECEPTION OF INGALLS STATUE.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to change the hour for holding the exercises of the reception of the Ingalls statue from 3.30 to 3 o'clock to-morrow.

The SPEAKER. The gentleman from Kansas asks unanimous consent that the hour for the ceremonies touching the reception of the Ingalls statue be changed from 3.30 to-morrow to 3 o'clock. Is there objection? [After a pause.] The Chair hears none.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I desire to call up the army appropriation bill.

The SPEAKER. The gentleman from Iowa calls up the army appropriation bill.

Mr. HULL. Mr. Speaker, there is one amendment pending

upon which the yeas and nays were called. I desire to ask consent to substitute what I will send to the Clerk's desk for the pending amendment. It requires unanimous consent, and I do it because some Members believe there is some ambiguity about the first amendment.

The SPEAKER. The gentleman from Iowa asks unanimous consent to substitute the provision in lieu of the amendment reported from the Committee of the Whole House on the state of the Union, which the Clerk will report.

The Clerk read as follows:

Provided, That hereafter, no retired officer of the Army above the grade of major shall, when assigned to active duty, receive from the United States any pay or allowances additional to his pay as retired officer so as to make his total pay and allowances exceed the pay and allowances of a major on the active list.

The SPEAKER. Is there objection?

Mr. WILLIAMS of Mississippi. Mr. Speaker, reserving the right to object, I do not think this makes the provision any clearer, but I shall not object to the gentleman perfecting his own amendment, which we want to kill, according to his own sense of what ought to be done.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The question is on agreeing to the amendment.

Mr. WILLIAMS of Mississippi. Mr. Speaker, upon that I ask the yeas and nays.

The SPEAKER. The gentleman from Mississippi demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 202, nays 50, answered "present" 5, not voting 127, as follows:

YEAS—202.

Adamson	Field	Lamb	Robinson, Ind.
Allen	Flood	Lester	Rodenberg
Baker	Fordney	Lever	Rucker
Bartlett	Foss	Lilley	Russell
Bates	Fuller	Lind	Scott
Beall, Tex.	Gardner, Mich.	Littauer	Shackleford
Beidler	Garner	Littlefield	Shiras
Birdsall	Gibson	Lloyd	Sibley
Bishop	Gillespie	Longworth	Sims
Bonyunge	Gillet, N. Y.	Loud	Slayden
Boutell	Gillett, Cal.	Loudenslager	Small
Bowers	Gillett, Mass.	Lucking	Smith, Ill.
Bowersock	Goulden	McCarthy	Smith, Iowa
Bradley	Gregg	McCleary, Minn.	Smith, Ky.
Brandegee	Griffith	McCreary, Pa.	Smith, Samuel W.
Brantley	Grosvenor	McLachlan	Smith, N. Y.
Brick	Hamlin	McLain	Smith, Pa.
Brown, Wis.	Haskins	McMorran	Smith, Tex.
Brownlow	Haugen	Macon	Snapp
Burke	Hay	Maddox	Snook
Burleigh	Hedge	Mahon	Southard
Calderhead	Hedlin	Mann	Spalding
Campbell	Henry, Conn.	Marshall	Sperry
Candler	Henry, Tex.	Martin	Splight
Capron	Hepburn	Maynard	Stafford
Cassel	Hermann	Miller	Stevens, Minn.
Cassingham	Hill, Conn.	Minor	Sulloway
Clark	Hill, Miss.	Mondell	Talbot
Clayton	Hinshaw	Morgan	Tawney
Cochran, Mo.	Hitt	Needham	Thomas, Iowa
Conner	Hogg	Norris	Thomas, N. C.
Cooper, Pa.	Holliday	Otjen	Townsend
Cousins	Houston	Overstreet	Trimble
Cowherd	Howell, N. J.	Padgett	Vandiver
Crumpacker	Howell, Utah	Parker	Vreeland
Currier	Hull	Patterson, Pa.	Wadsworth
Curtis	Humphreys, Miss.	Payne	Wallace
Cushman	James	Pearre	Warner
Dalzell	Johnson	Perkins	Webb
Darragh	Jones, Va.	Pinckney	Webber
Davis, Minn.	Jones, Wash.	Porter	Weems
De Armond	Kennedy	Powers, Me.	Weisse
Deemer	Ketcham	Prince	Wiley, Ala.
Dixon	Kinkaid	Pujo	Williams, Ill.
Dougherty	Kitchin, Claude	Randell, Tex.	Williamson
Douglas	Kluttz	Rhea	Wilson, Ill.
Dresser	Knapp	Richardson, Ala.	Wood
Driscoll	Knopf	Richardson, Tenn.	Young
Dunwell	Knowland	Rider	Zenor
Dwight	Kyle	Rixey	
Evans	Lacey	Robb	

NAYS—50.

Aiken	Harrison	McAndrews	Shall
Bassett	Hopkins	McCall	Sparkman
Bell, Cal.	Howard	Marsh	Stanley
Benny	Hunt	Moon, Tenn.	Stephens, Tex.
Bowie	Kehoe	Page	Sullivan, Mass.
Burleson	Kitchin, Wm. W.	Patterson, N. C.	Thayer
Caldwell	Lamar, Fla.	Powers, Mass.	Tirrell
Cockran, N. Y.	Lawrence	Reid	Van Duzer
Davey, La.	Legare	Roberts	Wade
Denny	Lewis	Ryan	Wanger
Fitzgerald	Little	Scudder	Williams, Miss.
Granger	Livernash	Sheppard	
Greene	Lovering	Sherley	

ANSWERED "PRESENT"—5.

Cromer	Jenkins	Livingston	Sherman
Hardwick			

NOT VOTING—127.

Acheson	Davidson	Hildebrandt	Rainey
Adams, Pa.	Davis, Fla.	Hitchcock	Ransdell, La.
Adams, Wis.	Dayton	Huff	Reeder
Alexander	Dickerman	Hughes, N. J.	Robertson, La.
Ames	Dinsmore	Hughes, W. Va.	Robinson, Ark.
Babcock	Dovener	Humphrey, Wash.	Ruppert
Badger	Draper	Hunter	Scarborough
Bankhead	Emerich	Jackson, Md.	Shober
Bartholdt	Esch	Jackson, Ohio	Slomp
Bede	Finley	Keliher	Smith, Wm. Alden
Benton	Fitzpatrick	Kline	Southall
Bingham	Flack	Lafean	Southwick
Breazeale	Foster, Ill.	Lamar, Mo.	Steenerson
Brooks	Foster, Vt.	Landis, Chas. B.	Sterling
Broussard	Fowler	Landis, Frederick	Sullivan, N. Y.
Brown, Pa.	French	Lindsay	Sulzer
Brundidge	Gaines, Tenn.	Lorimer	Swanson
Buckman	Gaines, W. Va.	McDermott	Tate
Burgess	Garber	McNary	Taylor
Burkett	Gardner, Mass.	Meyer, La.	Thomas, Ohio
Burnett	Gardner, N. J.	Miers, Ind.	Underwood
Burton	Gilbert	Moon, Pa.	Van Voorhis
Butler, Mo.	Glass	Morrell	Volstead
Butler, Pa.	Goebel	Mudd	Wachter
Byrd	Goldfogle	Murdock	Warnock
Castor	Gooch	Nevin	Watson
Connell	Graft	Olmsted	Wiley, N. J.
Cooper, Tex.	Griggs	Otis	Wilson, N. Y.
Cooper, Wis.	Gudger	Palmer	Woodyard
Croft	Hamilton	Patterson, Tenn.	Wright
Crowley	Hearst	Pierce	Wynn
Daniels	Hemenway	Pou	

So the amendment was agreed to.

The following pairs were announced:

For the session:

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. CHARLES B. LANDIS with Mr. TATE.

Mr. SHERMAN with Mr. RUPPERT.

Mr. WOODYARD with Mr. HARDWICK.

For one week:

Mr. CROMER with Mr. MIERS of Indiana.

Until further notice:

Mr. BURKETT with Mr. ROBERTSON of Louisiana.

Mr. MORRELL with Mr. SULLIVAN of New York.

Mr. CONNELL with Mr. BUTLER of Missouri.

Mr. CASTOR with Mr. EMERICH.

Mr. ALEXANDER with Mr. UNDERWOOD.

Mr. HEMENWAY with Mr. BENTON.

Mr. DOUGLAS with Mr. BADGER.

Mr. BUTLER of Pennsylvania with Mr. SULZER.

Mr. BURTON with Mr. BURGESS.

Mr. FOSTER of Vermont with Mr. POUL.

For the day:

Mr. WRIGHT with Mr. SHORER.

Mr. WILEY of New Jersey with Mr. ROBINSON of Arkansas.

Mr. WATSON with Mr. SCARBOROUGH.

Mr. WACHTER with Mr. RANSDALL of Louisiana.

Mr. REEDER with Mr. RAINEY.

Mr. WM. ALDEN SMITH with Mr. PIERCE.

Mr. PALMER with Mr. PATTERSON of Tennessee.

Mr. OTIS with Mr. LAMAR of Missouri.

Mr. OLMSTED with Mr. McNARY.

Mr. MURDOCK with Mr. KELIHER.

Mr. MUDD with Mr. HITCHCOCK.

Mr. MOON of Pennsylvania with Mr. GUDGER.

Mr. FREDERICK LANDIS with Mr. GOOCH.

Mr. LAFEAN with Mr. GOLDFOGLE.

Mr. GRAFF with Mr. FOSTER of Illinois.

Mr. GARDNER of New Jersey with Mr. GAINES of Tennessee.

Mr. FOWLER with Mr. DINSMORE.

Mr. LORIMER with Mr. KLINE.

Mr. GARDNER of Massachusetts with Mr. BURNETT.

Mr. BROWN of Pennsylvania with Mr. LINDSAY.

Mr. BARTHOLDT with Mr. GRIGGS.

Mr. JENKINS with Mr. HEARST.

Mr. ESCH with Mr. WILSON of New York.

Mr. HAMILTON with Mr. COOPER of Texas.

Mr. STERLING with Mr. SWANSON.

Mr. WARNOCK with Mr. HUGHES of New Jersey.

Mr. DOVENER with Mr. BROUSSARD.

Mr. SLEMP with Mr. GLASS.

Mr. HUGHES of West Virginia with Mr. GILBERT.

Mr. ACHESON with Mr. BREAZEALE.

Mr. ADAMS of Pennsylvania with Mr. BYRD.

Mr. BEDE with Mr. CROWLEY.

Mr. BINGHAM with Mr. TAYLOR.

Mr. GAINES of West Virginia with Mr. GARBER.

Mr. HILDEBRANT with Mr. DAVIS of Florida.

Mr. BROOKS with Mr. DICKERMAN.

Mr. VAN VOORHIS with Mr. WYNN.

Mr. DAVIDSON with Mr. McDERMOTT.

Mr. COOPER of Wisconsin with Mr. BRUNDIDGE.

For this vote:

Mr. SOUTHWICK with Mr. SOUTHALL.

Mr. BABCOCK with Mr. BANKHEAD.

Mr. DRAPER with Mr. FINLEY.

Mr. ADAMS of Wisconsin with Mr. CROFT.

Mr. THOMAS of Iowa with Mr. FITZPATRICK.

Mr. HARDWICK. Mr. Speaker, I am paired with the gentleman from West Virginia, Mr. WOODYARD, and I desire to withdraw my vote and answer "present."

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the vote by which the bill as amended was passed was laid on the table.

WILLIAM W. SMITH.

The SPEAKER laid before the House the bill (H. R. 4728) granting an increase of pension to William W. Smith, with a Senate amendment thereto.

The Senate amendment was read.

Mr. FULLER. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I move that the House do now resolve itself into the Committee of the Whole House on the state of the Union for consideration of the bill (H. R. 17474) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1906, and for other purposes.

Mr. MAHON. Mr. Speaker, this is the day that, under the rules, belongs to war claims; and I ask unanimous consent that next Tuesday be substituted for this day for that purpose.

The SPEAKER. The gentleman from Pennsylvania [Mr. MAHON] asks unanimous consent to substitute next Tuesday for to-day for the consideration of war claims.

Mr. PAYNE. Mr. Speaker, at this stage of the session, the 20th day of January, and with so little time before us, I do not think we ought to farm out the time in advance for private claims.

Mr. MAHON. I will say to the gentleman from New York [Mr. PAYNE] that if the House has any appropriation bills on hand next Tuesday we will fix another day.

Mr. PAYNE. There are plenty of appropriation bills ready, and the House has sent over the impeachment case to the Senate, and we ought to get the bills over to the Senate as soon as possible. I am unwilling to give my consent.

The SPEAKER. The gentleman from New York [Mr. PAYNE] objects. The question is now on the motion of the gentleman from New York [Mr. SHERMAN], that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the Indian appropriation bill.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. MAHON. Division.

The House divided; and there were—ayes 104, noes 90.

Mr. MAHON. Tellers.

Mr. MACON. I ask for a yea-and-nay vote.

The yeas and nays were ordered.

The question was taken; and there were—yeas 112, nays 142, answered "present" 7, not voting 123, as follows:

YEAS—112.

Adams, Wis.	Evans	Knowland	Scott
Allen	Fordney	Kyle	Shiras
Bates	Foss	Lacey	Sibley
Beldler	Fuller	Lawrence	Smith, Ill.
Bishop	Gillet, N. Y.	Lilley	Smith, Iowa
Boutell	Gillett, Cal.	Littauer,	Smith, Samuel W.
Bowersock	Gillett, Mass.	Littlefield	Smith, Wm. Alden
Brandegee	Goebel	Longworth	Smith, Pa.
Brown, Wis.	Greene	Loud	Snapp
Buckman	Hedge	McCall	Southard
Burke	Henry, Conn.	McCreary, Pa.	Sperry
Burleigh	Hepburn	McLachlan	Stafford
Calderhead	Hermann	McMorran	Stevens, Minn.
Campbell	Hill, Conn.	Mann	Sulloway
Capron	Hinschaw	Marsh	Tawney
Conner	Hitt	Martin	Thomas, Iowa
Cousins	Hogg	Miller	Volstead
Crumpacker	Holliday	Morgan	Vreeland
Cutler	Howell, N. J.	Needham	Wadsworth
Curtis	Howell, Utah	Norris	Warner
Cushman	Hull	Overstreet	Watson
Dalzell	Hunter	Parker	Webber
Darragh	Jones, Wash.	Payne	Weems
Davis, Minn.	Kennedy	Perkins	Williamson
Deemer	Ketcham	Porter	Wilson, Ill.
Driscoll	Kinkaid	Prince	Wood
Dunwell	Knapp	Reeder	Woodyard
Dwight	Knopf	Rodenberg	Young

XXXIX—72

NAYS—142.

Aiken	Gibson	Lloyd	Sheppard
Baker	Gilbert	Loudenslager	Sherley
Bartlett	Gillespie	Lucking	Shull
Bassett	Goulden	McAndrews	Sims
Beall, Tex.	Granger	McLain	Slayden
Bell, Cal.	Gregg	Macon	Small
Benny	Gudger	Maddox	Smith, Ky.
Benton	Hamlin	Mahon	Smith, Tex.
Bonyng	Hardwick	Marshall	Snook
Bowie	Haskins	Maynard	Southall
Brantley	Haugen	Moon, Tenn.	Spalding
Brownlow	Hay	Otjen	Sparkman
Burgess	Hefflin	Padgett	Spight
Burleson	Henry, Tex.	Page	Stanley
Byrd	Hill, Miss.	Patterson, N. C.	Stephens, Tex.
Caldwell	Hitchcock	Patterson, Pa.	Sullivan, Mass.
Candler	Hopkins	Pinckney	Swanson
Cassingham	Houston	Pou	Talbott
Clark	Howard	Pujo	Taylor
Clayton	Humphreys, Miss.	Randell, Tex.	Thayer
Cockran, N. Y.	Hunt	Ransdell, La.	Thomas, N. C.
Cooper, Pa.	James	Reid	Tirrell
Cooper, Tex.	Johnson	Rhea	Townsend
Cowherd	Jones, Va.	Richardson, Ala.	Trimble
Croft	Kehoe	Richardson, Tenn.	Vandiver
Davey, La.	Kitchin, Claude	Rider	Wachter
De Armond	Kitchin, Wm. W.	Rixey	Wade
Denny	Klutz	Robb	Wallace
Dickerman	Lamar, Fla.	Roberts	Webb
Dinsmore	Lamb	Robinson, Ark.	Wiley, Ala.
Dougherty	Legare	Robinson, Ind.	Williams, Ill.
Field	Lever	Rucker	Williams, Miss.
Finley	Lewis	Russell	Wynn
Fitzgerald	Little	Ryan	Zenor
Flood	Livernash	Scudder	
Garner	Livingston	Shackleford	

ANSWERED "PRESENT"—7.

Adamson	Cassel.	Jackson, Ohio	Sherman
Bartholdt	Cromer	Jenkins	

NOT VOTING—123.

Acheson	Dayton	Hildebrand	Otis
Adams, Pa.	Dixon	Huff	Palmer
Alexander	Douglas	Hughes, N. J.	Patterson, Tenn.
Ames	Dovener,	Hughes, W. Va.	Pearce
Babcock	Draper	Humphrey, Wash.	Pierce
Badger	Dresser	Jackson, Md.	Powers, Me.
Bankhead	Emerich	Kelher	Powers, Mass.
Bede	Esch	Kline	Rainey
Bingham	Fitzpatrick	Lafear	Robertson, La.
Birdsall	Flack	Lamar, Mo.	Ruppert
Bowers	Foster, Ill.	Landis, Chas. B.	Scarborough
Bradley	Foster, Vt.	Landis, Frederick	Shober
Brazzale	Fowler	Lester	Slemp
Brick	French	Lind	Smith, N. Y.
Brooks	Gaines, Tenn.	Lindsay	Southwick
Broussard	Gaines, W. Va.	Lorimer	Steenerson
Brown, Pa.	Garber	Lovering	Sterling
Brundidge	Gardner, Mass.	McCarthy	Sullivan, N. Y.
Burkett	Gardner, Mich.	McCleary, Minn.	Sulzer
Burnett	Gardner, N. J.	McDermott	Tate
Burton	Glass	McNary	Thomas, Ohio
Butler, Mo.	Goldfogle	Meyer, La.	Underwood
Butler, Pa.	Gooch	Miers, Ind.	Van Duzer
Castor	Graft	Minor	Van Voorhis
Cochran, Mo.	Griffith	Mondell	Wanger
Connell	Griggs	Moon, Pa.	Warnock
Cooper, Wis.	Grosvenor	Morrell	Weisse
Crowley	Hamilton	Mudd	Wiley, N. J.
Daniels	Harrison	Murdock	Wilson, N. Y.
Davidson	Hearst	Nevin	Wright
Davis, Fla.	Hemenway	Olmsted	

So the motion to go into Committee of the Whole House on the state of the Union was rejected.

The following additional pairs were announced:

On this vote:

Mr. BINGHAM with Mr. GRIFFITH.

Mr. BIRDSALL with Mr. BOWERS.

Mr. McCLEARY of Minnesota with Mr. COCHRAN of Missouri.

Mr. WANGER with Mr. ADAMSON.

Mr. POWERS of Massachusetts with Mr. LESTER.

Mr. BURTON with Mr. LIND.

Mr. BABCOCK with Mr. BANKHEAD.

Mr. DRAPER with Mr. WEISSE.

For balance of the day:

Mr. GARDNER of Michigan with Mr. GOOCH.

Mr. SOUTHWICK with Mr. HARRISON.

Mr. BRADLEY. Mr. Speaker, I desire to know if I am recorded.

The SPEAKER. The gentleman is not recorded.

Mr. BRADLEY. I desire to vote.

The SPEAKER. Was the gentleman present and giving attention when his name should have been called?

Mr. BRADLEY. I was not in the House at the time.

The SPEAKER. Under the rule the gentleman can not be recorded.

The result of the vote was then announced as above recorded.

ORDER OF BUSINESS.

Mr. SHERMAN. Now, Mr. Speaker, I desire to renew the request that was made by the gentleman from Pennsylvania—

that Tuesday next be fixed for war claims, to be substituted for to-day.

Mr. MAHON. That is satisfactory to me.

The SPEAKER. The gentleman from New York asks unanimous consent that Tuesday next be substituted for to-day.

Mr. PAYNE. As I understand the request, it is that Tuesday be substituted for to-day.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Then, Mr. Speaker, I again move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the Indian appropriation bill.

The motion was agreed to.

Mr. SHERMAN. I would like to make some arrangement with the gentleman from Texas as to general debate. How much time does the gentleman from Texas desire to devote to general debate?

Mr. STEPHENS of Texas. I have application for but one hour and a half.

Mr. SHERMAN. I ask unanimous consent that general debate be limited to an hour and thirty minutes.

Mr. STEPHENS of Texas. On each side?

Mr. SHERMAN. For both sides. You take one hour and we will take half an hour.

Mr. STEPHENS of Texas. I do not like to agree to that, because I already have applications on this side for an hour and a half.

Mr. SHERMAN. I understood the gentleman to say that he desired one hour. Now, I make the request that the time for general debate be limited to two hours—one hour and a half to be consumed by the gentleman from Texas, and half an hour by myself.

Mr. STEPHENS of Texas. I do not know that we will need that much.

Mr. SHERMAN. I do not think we will need half an hour.

The SPEAKER. The gentleman from New York asks unanimous consent that general debate be limited to two hours. Is there objection? [After a pause.] The Chair hears none.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CURRIER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the Indian appropriation bill.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from New York asks unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. SHERMAN. Mr. Chairman, this is the bill which carries appropriations for the support of the so-called "nation's wards" and to fulfill the so-called "treaty stipulations" we have made with them.

The bill carries, in round figures, two and a quarter million dollars less than the bill of last year. The report shows in detail precisely where there have been increases, which are very few, and where the great decreases occur from last year's bill. I will not go into details in reference to them. Any gentleman desiring to analyze them can find them fully set forth in the report.

I will make a general statement in reference to the Indians. There are now about 170,000 of them in the United States, exclusive of the Indian Territory and the New York Indians, and they occupy fifty-seven reservations, covering 55,000,000 acres of land. The Indians in the Territory number, including freedmen, about 85,000, and occupy, in round figures, about 19,000,000 acres of land.

The New York Indians number about 5,000, occupying eight reservations, covering about 5,000 acres of land. Of the Indians about 75,000 have received separate allotments of land and have become citizens.

Great progress has been made toward the solution of what has been called the Indian problem. It has been made in the main through the education of the Indians, and, secondly, their enforced labor. Some three or four years ago the Indian Bureau instituted a reform in the distribution of rations. That reform was along the line of paying the Indians for performing work for the Government, out of the moneys appropriated for their support, rather than to provide a ration to support them in idleness. Under the working out of this plan almost one-fourth of the nearly \$1,000,000 appropriated for the Sioux is now paid for their labor, which makes them in that regard self-supporting,

and of course elevates them and makes them better fitted for citizenship, which, of course, is the ultimate goal striven for by all who desire to see the Indians eventually taken from the position of mendicants or of people depending entirely upon the charity of the Government.

We have also followed out in this bill, to a very limited extent—because the policy had been pursued so far heretofore that it was not possible to take it much further this year—the plan of doing away with agencies and placing the Indians under the charge of superintendents of local schools, these superintendents giving bond. The number of agencies has decreased within half a dozen years fully one-half in the pursuance of this policy, which reduces the expense to the Government and, besides, gives us continuous service of an officer. Continuity is a matter of considerable consequence in dealing with the Indians, as everybody who is at all familiar with them knows.

They become accustomed to an individual and acquire confidence in him, and any man who has been dealing with the Indians for four or five years is much more effective in that position than any new man can be when he first occupies a position of authority over them, no matter how much ability he may have. The bonded superintendent on the average occupies his position for nine or ten years, while the agent, holding a position outside of the civil service, a position which is properly termed a political one, was accustomed to fill the position ordinarily on an average not more than four years. So we have followed out that policy in the framing of this bill.

We have increased somewhat the appropriation for education, and, as I said a moment ago, the money that we have expended, substantially all a gratuity, in the education of the Indians throughout the country has been, in my judgment, exceedingly well expended. We have now nearly 30,000 Indian pupils enrolled in the Government schools throughout the country and an average attendance of substantially something over 80 per cent of the enrollment. The expense to the Government is something over \$3,000,000.

In the bill there are several items which are obnoxious to the rule that we can not legislate upon an Indian appropriation bill. These items have all been considered by the committee and have been regarded of sufficient consequence to warrant their insertion in the bill, with the expectation that the committee and the House will see the necessity for them and will probably permit the committee to override the rule to the extent of incorporating them here, so that the legislation may be certain to be enacted during this Congress.

I think, Mr. Chairman, that is substantially all I care to say in reference to the bill. There are various items about which Members of the House will quite likely desire a specific explanation, and some member of the committee will attempt to supply that when those several items are reached.

Mr. ROBINSON of Indiana. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Indiana?

Mr. SHERMAN. Why, certainly.

Mr. ROBINSON of Indiana. I would like to ask the gentleman at this time what progress has been made by the committee, if any, as shown by any provision in the bill, toward the abolition of the Dawes Commission?

Mr. SHERMAN. This Commission was abolished, or rather provision was made for its abolition, in the last appropriation bill. The provision was that the Commission should cease to exist on the 1st of July, 1905, and it will cease to exist at that time. We do provide in this bill that the powers heretofore granted to the Dawes Commission shall be exercised by the Secretary of the Interior until all that remains to be done has been finished. The work is very largely completed, anyway.

Mr. FITZGERALD. Will the gentleman from New York permit me to interrupt him?

Mr. SHERMAN. Certainly.

Mr. FITZGERALD. I would like some explanation of the provision in the bill, considered in committee at a time when I was not present, in relation to the opening of the mineral lands on the Indian reservations.

Mr. SHERMAN. On what page is the provision in the bill?

Mr. FITZGERALD. Page 29.

Mr. SHERMAN. What was the gentleman's request?

Mr. FITZGERALD. I ask for some statement about that provision, as it is one that I am opposed to. It is a provision against which I have in the past interposed objection, and I would like some statement explaining the action of the committee.

I wish to call attention to this fact, that, in the first place, the opening of mineral lands under the mineral laws of the United States makes no provision for the payment to the Indians the

moneys that they should receive for the taking of these lands on the reservation. In the second place, it is my opinion that, as a general thing, permission to go in and prospect on these reservations might be the occasion of a great deal of trouble on the reservation.

Mr. SHERMAN. My colleague undoubtedly remembers that he and I do not differ in reference to this proposition, and I prefer that some other than myself should state the reasons for this insertion in the bill, because I voted against its insertion, and I might be open to the criticism that I did not properly present the reason for its incorporation.

Mr. FITZGERALD. I wish to make the inquiry for this purpose. As I said, the provision was considered at a session of the committee when I was not present. If I had been there, I would have made a point of order against it.

Mr. SHERMAN. My opinion is that it is subject to a point of order if any Member wishes to make it.

Mr. FITZGERALD. Unless somebody can satisfy me that it ought to be incorporated in the bill, I shall be compelled to make the point of order here.

Mr. SHERMAN. I yield now to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Chairman, I wish briefly in this connection to call the attention of the House, and so much of the country as feels an interest in the various questions growing out of the Indian affairs, to the progress that has been made in the last eight or ten years in Indian legislation. The preparation and passage of what is known as the Curtis Act in the Indian Territory marks a new era in Indian legislation. It was the first great step toward dividing the Indians, separating them, giving them citizenship, giving them the individual ownership of their lands, and I think in due time, and perhaps in the very early future, giving to them their separate shares of the money that is in the Treasury to the credit of the tribes.

It should be the policy of the Government to give employment to the Indians in work upon the various irrigation projects in the arid regions of the West, and this policy is being followed as far as practicable. Civilization goes hand in hand with work.

The Indian does not fear hardship, but his training as a hunter has led him to dislike all forms of what he regards as menial employment. The toils of war and the chase are his delight.

The segregation of his land and the enjoyment of individual ownership will constitute inducements to imitation of his white neighbors in the tilling of the soil.

Ultimately, and in the not remote future, the money held in trust by the Government for the Indian tribes should be distributed among the individuals, and the tribes fully and completely disbanded. This will involve some delay, but steady progress should continue in that direction until all tribal relations are broken up and the Indian people become fully mingled in the mass of our citizenship.

The progress of our Indian legislation has been in the face of difficulties which are not understood by most of those Members who have not been connected with the Indian Committee.

Every advance in this legislation has been in the face of many obstacles.

I have regarded the Curtis Act as a landmark in our history. The first work that I was called upon to perform in the Indian Committee was the investigation of the subject of that bill.

A subcommittee of five Senators and five Representatives had this bill in charge. It related to the adjustment of the affairs of the Five Civilized Tribes of the Indian Territory, and the object in view was to prepare those Indians for full citizenship and to break up their tribal organization and dissolve their relations as wards of the nation.

In the investigation of these questions we would find ourselves confronted with a treaty obligation; turning aside from this obstacle, we would be brought up against a law passed by a tribal legislature. When such difficulty could not be otherwise avoided the Gordian knot would be cut directly by the terms of the bill. But it was a tangled web and full of all sorts of intricacies.

But the law was passed and the Dawes Commission undertook the delicate and difficult task involved in its administration. The 30th day of June, 1905, has been fixed for the dissolution of that Commission, and the great bulk of the work will be done by that time, and in the main well done.

I wish to congratulate my colleague on the committee [Mr. CURTIS], whose name has become attached to that legislation through the great part that he took in its preparation.

He is entitled to the thanks of every person of the aboriginal blood in the Indian Territory—yes, in the whole United States.

The good work should continue until there shall be no longer any such question to vex and disturb our people.

With the fast-disappearing game life upon the plains and in the mountains in all the lands occupied by the Indians it becomes from day to day more evident that the Indian must either farm or starve or become a pauper, wholly supported by the Government of the United States. He has long been partly supported by Government aid. He and his family have been gathered together in reservations, herded there, kept in a state of partial mendicancy, but the steady progress of recent legislation has been to break up this system, to have each Indian take his land in severalty, to teach him to farm it, and make a citizen of him.

The progress that has been made is encouraging. In some localities it has not been as satisfactory as the friends of this system would like to have seen it, but there has been a steady growth from year to year in the direction of individualism. We have in New Mexico a peculiar situation. The ownership of the lands is in the pueblo or tribe. The head man has in times past allotted to the various Indians in severalty for the use of families various tracts of land, being nearly all subject to irrigation. They have made steady progress under that system. These particular Indians were in a very advanced condition when America was discovered.

Very recently the supreme court of the Territory of New Mexico has determined that these tribal lands are subject to taxation and that the tribe should pay taxes on the lands which they are farming in this way. In this bill we have put in a provision exempting them until such time as Congress shall grant permission to tax them. There is no reason why these particular Indians should pay taxes on their land any more than where the lands are held by the other tribes in the United States.

The Indians from New Mexico holding their grants from the Crown of Spain, having a different title, it was held that their title is one that does not come from our Government and that, therefore, it is subject to taxation the same as any other Spanish land grant. Those Indians have set a good example to their brethren upon the plains and in the mountains elsewhere in their habits of industry. A visit to Zuni, Taos, Cochiti, Laguna, or Acoma is one of the most interesting and instructive that can be made in this hemisphere. I am glad to be able to say that the general course of the Indian has been for some years now in a direction of uplifting. The system of industrial schools, in which they are taught all of the various trades and taught how to farm, has made progress—slow progress, it is true, because we have had to deal with a condition of things that existed for hundreds or thousands of years; but the progress has been steady, and I see no reason why, in a reasonably short time in the future, that these people may not be swallowed up in the general mass of our population. There is no more reason why the intelligent Indian should be herded off and kept separate than there is for us to take the Germans or our Irish citizens and endeavor to keep them separate and make them continue to be Germans and Irish for generation after generation, but we should steadily mingle these Indians with the white population and have their allotments so set apart to them that they will have white neighbors, whom they may copy and whom they may emulate in their industrial progress. There are still less than 300,000 Indians in the United States. It is questionable whether there were more than 250,000 or 300,000 Indians in the territory now occupied by this Republic when Capt. John Smith settled at the mouth of the James. The probability is that there were not more than that many Indians living at that time; so that the apprehension that the Indian race is going to die out is one that is without foundation, but there is every reason for believing that the Indians will mingle with the white race and be lost in the great tide of our growing population. In Virginia the descendants of Pocahontas are proud of their Indian ancestry. There are in this House at least two, perhaps three, Members who trace their ancestry back to the Indian tribes of this country and are proud of their ancestry. The Indian race is a noble race, one of the greatest races upon the face of the earth in its natural intelligence. Their intelligence is of a high degree. They have been trained by the hardships of hunting life, by the difficulties of their various tribal organizations, trained to be keen hunters, to be brave warriors—in short, trained in everything except the drudgery of life.

But with the high intelligence that the Indian naturally has he can adapt himself to the new conditions with which he is confronted. I believe that if we follow the policy which has been inaugurated within the last ten or twelve years, and which the members of the Committee on Indian Affairs in the House and in the Senate have supported, within a generation there will be no Indian problem, no Indian question of any magnitude. I only halt the debate on this bill, Mr. Chairman, long

enough to call the attention of this House to this steady progress, and to invite their further attention to the new legislation upon this bill and the legislation of the past that has come from the Committee on Indian Affairs and which has worked so well thus far.

Mr. BAKER. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. LACEY. Yes.

Mr. BAKER. I understood the gentleman to say that in a very short period of years—a generation—it is his judgment there will be no Indian problem. Does the gentleman mean there will be no Indian problem separate and distinct from the industrial problem, the poverty problem, among the people of the United States?

Mr. LACEY. Mr. Chairman, that brings up a suggestion which I desire to commend to my friend the gentleman from New York [Mr. BAKER]. I visited the pueblo of Cochiti, in New Mexico, a year or so ago. I had been under the impression that the gentleman's plan of community land and single tax was in operation out there in the tribal relations of that pueblo on the Rio Grande. When I got into the little town of Cochiti I saw them thrashing wheat. They were thrashing and winnowing it out as Abraham did.

There was a floor and the wheat was being stamped out by horses. I went up and inquired if anyone spoke English. One man said he did. Said I, "Where did you learn it?" "At Carlisle." "I suppose this is the wheat belonging to the town—to the pueblo of Cochiti?" "Oh, no, this is Antonio's wheat. Antonio stands over there." "Why, you are all thrashing this wheat, and I supposed it belonged to the community." "Oh, no, this is Antonio's." "Where did Antonio raise this wheat?" "Across the river." "On what land?" "On his land." "Where did he get it?" "He got it from his father." "Where did he get it?" "He got it from his grandfather." "Where did he get it?" "He got it from his great-grandfather." "And where did he get it?" My informant scratched his head and said: "I think the head man gave it to him."

In short, I found that instead of following the communal system they were drifting away from it, and when my friend thinks the communal system is original, I want to call his attention to this and say it is aboriginal, and even the aborigines are getting away from the system of socialism and communal property, and I commend the example of Cochiti to my friend from New York as an interesting object lesson which will be of great use to him if he will bend his attention to the subject in that direction. [Applause.]

Mr. BAKER. Mr. Chairman, the gentleman has five minutes more and I hope he will use part of it, at least, in further elucidating this subject. But, first, I want to say the gentleman has followed a very common practice; he simply sets up a bogie and then knocks it down. The gentleman has never heard me say one word upon this floor that I am in favor of communal production, and therefore, when he says I am in favor of the communal plan, i. e., of the community acting together in producing wealth and equally distributing that wealth among its members, he is saying something or he is drawing a deduction from my language for which there is no basis whatever. On the contrary, I have insisted that the proper system of production and exchange is that the individual shall have the freest opportunity to utilize himself to the full extent of his powers, and that he shall retain every dollar's worth of the results of his labor. Now, Mr. Chairman, the communal system, so far as it applies to this matter, is simply this, that the fund which the community creates, the value which is given the land by the presence of the population, by the activities of the population, by all the inventions that have been made, by improvements in transportation and exchange, that value is a communal value and should be taken for communal purposes. That is not saying that the individual's product created upon the land should be taken for communal purposes. I think the gentleman will see the distinction.

Mr. LACEY. The gentleman, then, as I understand, draws a distinction between taking away the fruits of a man's labor on land and taking away the land itself from him?

Mr. BAKER. I draw a very great distinction, Mr. Chairman, between taking from the individual that which he has created and taking in taxation that fund which all create. Surely the gentleman himself will admit that is a very clear distinction.

Mr. LACEY. Now, I do not know whether the gentleman suggests that as a question directed to me or not, but I am glad he has had an opportunity to draw some distinction between his position as I heretofore understood it and as he explains it now.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. SHERMAN. Do you wish any more time?

Mr. LACEY. No.

Mr. SHERMAN. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has five minutes remaining.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CURTIS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 17100. An act to authorize the construction of a bridge across Sunflower River, in Sharkey County, Miss.

The message also announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. 6522. An act to enable independent school district No. 12, Roseau County, Minn., to purchase certain lands;

S. 6088. An act authorizing the closing of part of an alley in square No. 733, in the city of Washington, D. C.;

S. 5768. An act to provide for an additional judge of the district court of the United States for the district of New Jersey;

S. 5174. An act to provide for the erection of a beacon light near Fair Point, in Pensacola Bay, in the State of Florida;

S. 4778. An act for the relief of Pay Inspector E. B. Rogers, United States Navy;

S. 852. An act to establish a fish-cultural station in the State of Maryland;

S. Res. 88. Joint resolution authorizing the Secretary of War to furnish a condemned cannon to the board of regents of the University of Minnesota, at Minneapolis, Minn., to be placed on campus as a memorial to students of said university who served in Spanish war;

S. Res. 92. Joint resolution authorizing the President to extend to the International Prison Congress an invitation to hold the eighth international prison congress in the United States; and

S. 5997. An act authorizing the President to nominate and appoint William L. Patterson a second lieutenant in the United States Army.

The message also announced that the President pro tempore has appointed Mr. BURROWS and Mr. BAILEY as the tellers on the part of the Senate to count the electoral votes for President and Vice-President of the United States.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 8460) providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PERKINS, Mr. KITTREDGE, and Mr. GIBSON as the conferees on the part of the Senate.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

Mr. SHERMAN. Will the gentleman from Texas [Mr. STEPHENS] now proceed? I reserve the balance of my time.

Mr. STEPHENS of Texas. I yield thirty minutes to the gentleman from Indiana [Mr. ZENOR].

Mr. ZENOR. Mr. Chairman, I do not propose to occupy the thirty minutes in a general discussion of the general provisions of this bill, but more particularly to call the attention of Members of the House to certain provisions of the bill which I think should be stricken out when the bill is placed upon its passage, and it is more particularly to call the attention of Members of the House to the reason why I think those provisions should go out of the bill. As to the general provisions of the bill, they are along the lines that have usually been followed by the Committee on Indian Affairs, and the bill carries \$7,254,206.02, which is about \$2,654,274.23 less than was carried by the same bill one year ago. As has been suggested by the chairman of the committee, as well as my colleague, the gentleman from Iowa [Mr. LACEY], under the policy that was inaugurated by the Indian department some twelve years ago there has been a constant trend in the legislation upon the subject of appropriations in reference to agencies in reservations to reduce the number of agents and thereby curtail the expenses of this department of the Government. As was suggested by the chairman of the committee some years ago, there were, and there are now, about 150 reservations, which are occupied by about 150,000 Indians, excepting New York and the Indian Territory, and there is an Indian population of about 272,000 in the different States and Territories of the Union.

Some ten years ago we appropriated to maintain about fifty-seven agents or agencies upon the different reservations. I say that the trend and policy of the Indian Department has been to reduce the number, and for reasons that have been frequently given by the Commissioner of Indian Affairs and approved by the Secretary of the Interior. As has been suggested by the gentleman from Iowa [Mr. LACEY], by the institution of schools, both day schools, mission schools, and the nonreservation schools, the policy has been to inaugurate a system of education of the Indians upon these different reservations. Also training schools have been instituted for the purpose of imparting knowledge to the Indians with reference to agriculture and farming. And these schools have been conducted in a manner that is very successful, and there is no doubt but that in the last ten or twelve years under the careful management of the Commissioner of Indian Affairs they have made wonderful progress in all methods and developments in the way of farming and agriculture.

In looking over this bill it will be found on page 2 that there is provision for the appointment of an agency in South Dakota, at a salary of \$1,600; also at the Lower Brule Agency, S. Dak., at \$1,400; and upon page 3 of the bill is incorporated a provision for an agency in South Dakota at \$1,500 and at Yankton, S. Dak., at \$1,600. These four different agencies carry about \$6,100 appropriation in the aggregate for the maintenance and support of the agent at each of the different places. As the bill now stands, there are seven agencies in the State of South Dakota. It occurs to me, Mr. Chairman, that along the line of retrenchment and reform, and for the benefit of the Indians of these reservations, these agencies should be abolished and placed under the control of the superintendent of the schools, as all of the agencies have schools upon the reservation. It has been frequently recommended by the Commissioner of Indian Affairs, and approved by the Secretary of the Interior, that there is no longer any necessity for the maintenance of these agencies at these four different reservations in South Dakota.

The Commissioner of Indian Affairs has gone even further than that, and I believe that in November, 1901, he strongly urged upon the Committee on Indian Affairs the abolishment of the Sisseton Agency and the Yankton Agency, and gave as his reasons for it that there were no duties to be performed by the agents at those places, at least no duties imposed that might not be performed by the superintendent of the Indian schools of those reservations, and that these positions were simply retained for political purposes and no other. He further said that all of the Indians upon these Indian reservations were civilized, and I believe they are citizens, and perhaps some are constituents of my colleague from South Dakota. I am not so certain about all of them, but I am sure that part of the Indian population of South Dakota are citizens of the State.

Mr. LIND. All of them are.

Mr. ZENOR. They are perfectly civilized; as much so, at least, as any of the different tribes of Indians in this country. They are capable of conducting their own farming operations, subject to such supervision as may be given them by the superintendent of the schools. And, as I say, the Commissioner of Indian Affairs has from time to time suggested, and rather urged, that these different agents should be dropped out of the appropriation bill. And at the present session of Congress, in the original draft of this bill, there was no provision for either one of these agents, but subsequently—at a time, perhaps, when I was not present in the committee—they were incorporated in the bill, carrying these salaries as I have indicated to the House.

Mr. BURKE. Will the gentleman permit an interruption?

The CHAIRMAN. Does the gentleman from Indiana [Mr. ZENOR] yield to the gentleman from South Dakota [Mr. BURKE]?

Mr. ZENOR. Certainly.

Mr. BURKE. I know the gentleman does not wish to state what is not the fact. The first print of the bill did contain a provision for these agents.

Mr. ZENOR. The first print of the bill?

Mr. BURKE. Yes, sir.

Mr. ZENOR. I do not so recollect the first print of the bill.

Mr. BURKE. I will get the bill if the gentleman has any doubt as to the proposition.

Mr. ZENOR. The gentleman from South Dakota [Mr. BURKE] may be right about that, but I do not think I am mistaken when I say that the Commissioner of Indian Affairs has requested that these agencies be dropped.

Mr. BURKE. While the gentleman is discussing that phase of it, will he kindly refer to the section of the bill, or the provision in the bill, immediately following the statement making the appropriation for the different agents throughout the country?

Mr. ZENOR. Why, there are several general appropriations for that purpose.

Mr. BURKE. I am speaking of the provision that refers directly to the appropriation. I refer to the provision that gives the Secretary of the Interior the power, whenever in his discretion he may elect to do it, to designate a bonded superintendent.

Mr. ZENOR. It is true there is a provision in the bill that authorizes the Secretary of the Interior to substitute in lieu of an agent superintendents of the schools and put them under the control of a bonded superintendent, but here is the trouble we experience in carrying out this provision by the Commissioner of Indian Affairs: The Committee on Appropriations make an appropriation authorizing the appointment of an agent, and it immediately brings up a contest in the locality. It is political and it becomes a matter of controversy, and influence and pressure are brought to bear upon the Commissioner, and friends of the agent in office appeal to him to retain the agent, and he yields, and the result is he does not exercise the discretion, and until this matter is dropped out of the appropriation bill there will be this difficulty with reference to the system of making appointments. It is suggested that he may exercise the power under this particular provision of the bill to transfer the duties that are performed by the agent over to the superintendent of the schools, but experience shows that after he has done this, in every instance where he has attempted to exercise this discretionary power, there immediately followed such a political contest in the localities of these reservations, fights made by politicians on the reservations and elsewhere, that it was annoying to the superintendent and harassing to the superintendent put in charge, and this was kept up to such an extent that finally they brought about the reinstatement of the agent, not for the good of the service, but to maintain some politician who could not make a living elsewhere and to accommodate some gentlemen whose interests demanded that they have them appointed. Now, the Commissioner of Indian Affairs makes a suggestion in reference to these matters. I want to read what the Commissioner says about the Yankton Agency.

YANKTON AGENCY, S. DAK.

This agency has been a bone of contention for several years, and it may not be improper to give the reasons actuating the Commissioner of Indian Affairs in his recommendation for the abolishment of the agency and the establishment of a bonded superintendency.

Under date of November 11, 1901, a letter was addressed to the Secretary of the Interior based upon the report of United States Indian Inspector James E. Jenkins, who had recently made an elaborate report on this reservation, in which he stated:

"I would recommend that this reservation be placed in the charge of a competent bonded superintendent with strict instructions that he work for the Indians' independence and self-support, and the inauguration of modern business methods in the management of the affairs of the reservation."

Mr. Jenkins further stated that the Yanktons are practically a civilized tribe and are allotted; all have good lands, in a very prosperous section of the country; have had the benefit of good schools and churches for the past thirty years, but that notwithstanding their advantages and present abilities the Government persists in treating them as uncivilized and uneducated bands of savages. Inspector Jenkins, in a nutshell, placed before the Department what in the opinion of the Indian Office and of the Secretary were cogent reasons for abandoning the old parental system of control and getting in line with modern ideas and civilizing processes.

The agency was so abandoned, and the Commissioner of Indian Affairs appointed James Staley, an old and experienced Indian school and agency worker, to the bonded superintendency. Mr. Staley entered on duty December 4, 1901, and in the face of repeated investigations and factional fights, made upon him by a coterie of Indian politicians on the reservation, performed satisfactorily the duties of the agency reservation and school until his death, which occurred on December 11, 1903. The better element of the reservation, both white and Indian, cordially supported Mr. Staley in all his efforts for the civilization and upbuilding of these Indians, both morally and physically and from a business standpoint. Repeated communications were sent to this office from the Indians of this reservation begging and insisting that the old spoils system be not commenced again on this reservation, and that Mr. Staley should be continued. Since his death numberless communications have been sent to the Commissioner of Indian Affairs asking that the agency and schools be taken out of politics and continued on the strong business platform inaugurated by Superintendent Staley. Not only have Indians and whites requested this, but many of the employees have united in urging upon the Commissioner the absolute desirability of not appointing another agent but of sending a bonded superintendent who would continue the policies inaugurated by Mr. Staley, which, in their judgment, were the proper ones for the civilization of these Indians.

In view of the facts and conditions surrounding the Yankton Agency it seems eminently desirable that the bonded superintendent be continued at this school and the agency not be reestablished.

This is what the Commissioner says in regard to the payment of the agent and the maintenance of the Yankton Agency. Now, let us see what he says about the Sisseton Agency.

Mr. BURKE. Will the gentleman say what is the date of that communication?

Mr. ZENOR. November 11, 1901.

Mr. BURKE. Now, in order to be fair, what has since transpired at that agency?

Mr. ZENOR. I will call the attention of my colleague later to that. I will get to it directly. Now, in reference to the Sisseton Agency, which is surrounded by substantially the same conditions, I want also to read for the information of the House what the Commissioner of Indian Affairs has said. I read:

SISSETON, S. DAK.

Under date of March 19, 1901, the Commissioner of Indian Affairs reported to the Secretary of the Interior that the Sisseton and Wahpeton Sioux, with a population of 1,871 souls under the United States Indian agent for the Sisseton Agency, S. Dak., have had all of their lands allotted except that which was reserved for schools, churches, and agency purposes. Located practically at the agency, and within a mile and a quarter of it, is the plant of the Sisseton Agency boarding school, which has a capacity of 130 pupils. The Indians of the agency have all been allotted, and their reservation is no longer laid out on the map as such. The duties of the agent are simply the payment of certain annuities due these Indians and the oversight of the boarding school located at the agency. There is only one white agency employee, and that is the agent himself. All of the help received by the agent in the discharge of his duties have been derived from the school, at which there are a superintendent, a school clerk, and other employees, all paid out of school funds. The principal duties, therefore, of the agent, aside from the annuity payments, is merely educational, and the time seemed to have arrived when the agency could be readily abandoned and the educational interests made paramount to all others. The above reasoning was sufficient to induce the Secretary to authorize the discontinuance of the agency, which was accordingly done on May 8, 1901, by the appointment and qualification of a bonded superintendent, until July 1, 1902, when the agency again became operative by reason of its reestablishment in the Indian appropriation act for the fiscal year 1903.

Here is what the Indian Commissioner himself assigns as the reason why they have reapportioned agents, because the Indian Appropriation Committee incorporated a provision for an agent in the bill:

Major C. B. Jackson was appointed as Indian agent and entered on duty July 1, 1902. Mr. McArthur was subsequently transferred and the bonded superintendent discontinued for the time being.

The services of the agent being very satisfactory to the Commissioner of Indian Affairs, and in view of the fact that the Indians were all allotted, and the duties of the agent, from the standpoint of an agent, had become unnecessary; that the bonded superintendent could properly perform all of these duties without interference with the work of the school, and in further view of the fact that Congress in its wisdom had not provided any clerical, police, farming, or other force whatever to assist the agent in the conduct of agency affairs, and that in fact the school funds were being used for clerical purposes at the agency, that it seemed inconsistent with the idea of an agent to longer continue him under the condition of affairs as set forth above. The agent was the only agency employee at this agency. In making his annuity payments, in making up his cash accounts, and in the various other duties of supervision over the adult Indians he was compelled to use the school force, superintendent, clerks, and teachers. Indeed, a large proportion of the work of the bonded superintendent was given to clerical assistance to the agent. These Indians are allotted; they are citizens of the State of South Dakota. If the Government is ever to withdraw the parental hand from them this seemed to be the proper place to do so, and merely to retain a supervisory educational oversight of them, aside from paying the annuities due them under their treaty. The agent has not a single power which a bonded superintendent could not more effectively perform, and in fact more so, for the reason that these Indians, being citizens, an agent coming from that section of the country is naturally amenable to outside influences, which the experience of those connected with Indian affairs show is not always for the Indian.

Major Jackson, having performed the duties of agent, in the limited sphere of such duties, has done very well. His vital interest in educational matters appealed strongly to the Commissioner, who believed that a change in his status would be of vast benefit to his effectiveness as an Indian worker. There would then be more justification for the use of school moneys to assist the bonded superintendent than there is to assist the agent. While, of course, this may be technical, nevertheless the broad distinction is drawn between school and agency funds. Major Jackson was communicated with and signified his wishes in the matter. Therefore on October 3, 1903, the agency was recommended for discontinuance and the duties devolved on the bonded superintendent, and under the President's order Agent Jackson was made bonded superintendent. Major Jackson accepted the appointment, filed his bond, and the agency was abolished on January 1, 1904, on which date Superintendent Jackson assumed control as such superintendent. The agency, therefore, being abandoned, no agent can be appointed until Congress has again reauthorized the position in the next appropriation act, until which time it appears that legally the bonded superintendency must exist.

And this is the provision in the appropriation bill referred to by my friend from South Dakota.

The "President's order," referred to above, is the order of the President amending the civil-service rules and regulations permitting agents of experience, whenever in the judgment of the Commissioner of Indian Affairs the same is desirable, to be made bonded superintendents at such agencies.

Not only have the Commissioner of Indian Affairs and the Secretary of the Interior heretofore made these recommendations and suggestions concerning the abolition of these agencies, Mr. Chairman, but in the hearings before the subcommittee in the preparation of this appropriation bill at this session of Congress we have the statement made by the Commissioner of Indian Affairs, Mr. Jones, who has just retired from that position. In the hearings before the subcommittee upon the subject of these agencies, Mr. SHERMAN asked the following questions and Commissioner Jones made the following replies thereto:

Mr. SHERMAN. Why should the Sisseton Agency go out?

Mr. JONES. It should be placed in charge of the superintendent of the school there.

Mr. SHERMAN. Why should the Crow Creek Agency be omitted?

Mr. JONES. For the same reason as the Sisseton.

Mr. SHERMAN. What about payments to be made to the Indians there?

Mr. JONES. There are but few payments to be made, and they will be made exactly as before, except that the superintendent would make the payments. I want to be frank with you and say that I do not believe that the agent at Lower Brule should be continued, anyway. I don't believe he is the man we want there.

Mr. SHERMAN. What about the agency?

Mr. JONES. The agency ought to be under the superintendent.

Mr. SHERMAN. Of what school?

Mr. JONES. The same school. There is a school there, the Lower Brule boarding school.

Mr. SHERMAN. On the reservation?

Mr. JONES. On the reservation.

Mr. SHERMAN. Then you recommend the discontinuance of the Crow Creek, the Lower Brule, the Sisseton, and the Yankton agencies? It seems to me that the Yankton Agency was ordered discontinued last year.

Mr. JONES. It was restored for political purposes last year. There is a school there.

Mr. SHERMAN. Are they all allotted?

Mr. JONES. Yes, sir; and all civilized; and some of them—most of them, I think—are shrewd enough to conduct their own business as well as most of us.

Mr. SHERMAN. What about payments to them? Do they receive payments?

Mr. JONES. Not much; there are some.

Mr. SHERMAN. There is a reservation boarding school there, with a good man as superintendent?

Mr. JONES. Yes, sir.

Mr. SHERMAN. And you advise that we discontinue these four agencies?

Mr. JONES. Yes, sir.

These are the agencies that I now suggest at the proper time, when this bill is being considered under the five-minute rule, I shall move to amend by striking out, and that involves a mere formal amendment in two other provisions of the bill.

Now, what are the facts in regard to the maintenance of these different agencies? The Secretary of the Interior, in his report for 1904, in very emphatic language indorses the policy pursued by the Commissioner of Indian Affairs as to the abolition of these agencies as rapidly as possible and the transfer of the duties thereof upon a bonded superintendent of the schools. This policy has not only been very satisfactory, but eminently successful since it was first inaugurated. We have reduced the number of agents that have been supported by the Government from fifty-seven ten years ago down to the present number of twenty-two; and if these four agencies go out, as I believe they ought to go, because of the reasons assigned by the Commissioner of Indian Affairs, indorsed by the Secretary of the Interior, that these agents are largely influenced and controlled by political considerations and not by the best interests and advancement of the Indians under their control; if they are of no benefit to the Indians and not needed by the present conditions of the agencies, why carry an appropriation on this bill of some \$6,000 against the protest of the head of the Department having charge and control of the different reservations of the Indians of the different States and Territories of the Union?

Ordinarily a committee listens to and usually adopts the suggestions made by the man in control of a Department. Here are suggestions made by the man who largely controls and shapes the policy of the Indian Department of our Government, who not only suggests at the present time but who has heretofore frequently suggested the abolition of these agencies, and yet it is insisted by the gentleman from South Dakota that all these should be disregarded and these agencies perpetuated. Let a committee of this House create an office and give a discretion to the head of a Department as to whether he shall fill the office, and every Member of this House understands very well the political pressure and the influences that will immediately be set in operation to fill that position, so that some one may receive the salary provided by an appropriation bill. Where a position of this kind is open and the discretion is placed in the head of a Department, it is very difficult for the head of that Department to resist the influences brought to bear upon him, notwithstanding he knows and has suggested that in instances like the ones now in question it is not to the best interest of the Government and to the best interest of the Indians to fill the position. This is the history of legislation. Now, I say, in reference to this phase of the bill, that it has been the policy of the Government for the last ten or twelve years to reduce these agencies, to withdraw the paternal hand of the Government from the control of the Indians at these agencies, and to place them under the influence of men holding positions, not by virtue of political influence, but by virtue of a civil-service examination and as the result of an examination conducted with a view solely to ascertain the qualifications, the fitness, and character of the men who ought to come in contact with the Indians upon these reservations. This has been the policy, reducing them down, as I say, from some fifty-seven a few years ago to the present number of twenty-two.

Now, as to the advancement of the best interest of the Indians, if the striking out of these agencies would in any man-

ner harm or cripple the Indian service, I would be the last man upon this floor to insist upon a proposition of that kind.

[Here the hammer fell.]

Mr. STEPHENS of Texas. Mr. Chairman, I will ask the gentleman from Kansas if he desires to yield any time upon his side.

Mr. CURTIS. Not at present.

Mr. STEPHENS of Texas. Then I yield thirty minutes to the gentleman from Arkansas [Mr. MACON].

The CHAIRMAN. The gentleman from Arkansas is recognized for thirty minutes.

Mr. MACON. Mr. Chairman, from some cause there has always been a warm place in my heart for the Indian. In my study of the early history of this country I became convinced that he was a brave man, and hence must necessarily have been honest. It is true that he contended against our forefathers when they sought to develop this great country, but I believe that with the lights before him he thought he was right and that he was honest and sincere in everything he did in that contest. He was wild and uncivilized, and therefore could not appreciate conditions as civilized people could. He was driven from his own land by our patriot fathers for the good of humanity and Christianity.

Therefore I am in favor of legislation in his interest whenever it is just and honest. Not knowing myself whether or not everything that has been presented to the House by the committee in this bill is just, I am going to conclude that the committee has been wise, that it has been careful in the preparation of it, and therefore support the measure as presented by the committee, relying upon the integrity and judgment of its members in the matter instead of my own, for I have not had the time or the opportunity to delve into and study the question so as to know whether or not every crossing of a "t" or dotting of an "i" is the proper thing to have been done by the committee.

But, sir, it is not my purpose to dwell upon the Indian appropriation question at this time. I do not think it is necessary for me to do so, and I do not know that I could add anything whatever to the sum total of what shall be said in regard to the measure. But, sir, there is a bill in the hands of the Committee on Pensions that I had the honor of introducing in this House a few days ago that I believe to be quite as just a proposition as the one presented here in behalf of the Indian. I will read it, with the permission of the committee. It is as follows:

A bill (H. R. 15742) to amend an act entitled "An act granting an increase of pension to soldiers of the Mexican war in certain cases," approved January 5, 1893.

Be it enacted, etc., That an act entitled "An act granting an increase of pension to soldiers of the Mexican war in certain cases," approved January 5, 1893, be, and the same is hereby, amended to read as follows, to wit: "That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of every pensioner who is now on the rolls at \$12 per month, on account of services in the Mexican war, and who from age, accident, or disease is disabled for manual labor and is in such circumstances that \$12 per month are insufficient to provide him with the necessities of life, to \$30 per month. That all pensioners provided for in this act shall be deemed to be disabled for manual labor when they have attained the age of 70 years."

You will observe that the bill seeks to give to these noble old veterans \$1 per day to provide themselves with the necessities of life where they are too poor, old, and feeble to provide them for themselves. Certainly not an unreasonable request to ask a great Government to bestow upon an old band of patriots. I have also introduced four special bills in behalf of soldiers of the Mexican war, and in each instance I have filed the affidavit of the applicant in support of the bill. In each instance the affidavit has disclosed that the old soldier was past 70 years of age—most of them past the three-quarter century mark—all in feeble health and without a dollar of income except the \$12 per month paid them by the Government as a pension. One is totally blind in one eye and nearly so in the other; one so deaf that he can not hear an ordinary sound, and his deafness had its incipency in the Mexican war. I am happy to say that the Committee on Pensions has seen fit to report some of these bills favorably, recommending an increase from \$12 to \$20 per month.

In giving them the increase of \$8 it has done a just thing, as far as it has gone, and I applaud its action in connection therewith. Applications for increase of pension for these old soldiers are coming in rapidly, and I am constrained to believe that the number I have introduced would not be an unreasonable number to attribute to the other 475 Members of the Fifty-eighth Congress. Therefore, when you have multiplied the number of Senators and Congressmen by four you will see that nearly 2,000 of these dear old men are knocking at the door of this Congress, asking that justice be meted out to them for their valiant services to their country in its hour of trouble and strife with Mexico.

Sir, my information is that there are only about 4,500 of them

left. Hence, you will see that a vast majority of the valiant horde of volunteers that went to the front to fight for their country, and by whose valor we acquired territory out of which has been carved a State that is destined to become the queen of all the States of this Union of great States, have been called to their reward. Yea, sir, their spirits have winged their flight to the bosom of the God who gave them. Peace to their ashes and rest to their souls! [Applause.]

Yes, sir, the great State of Texas is certain to become one of the grandest Commonwealths of the earth. [Applause.] But, Mr. Chairman, it seems that whenever legislation is proposed in this House by a Southern Congressman that will benefit some of the peoples of the South, it is met with some sort of sectional objection. I thought, when I introduced the bill increasing the pension of the poor old Mexican soldier, who has reached the age of three-score years and ten, destitute of worldly goods, and too feeble in health to support himself by manual labor, while he tottered upon the brink of the grave, that I had performed an act that would meet with a hearty response in the deep recesses of every heart of every Member of this body.

But, sir, strange as it may seem, I have heard the argument advanced that the House would not pass my bill to increase the pension of these old warriors because most of them live in the South; that they were mostly Southern people. Mr. Chairman, in my humble judgment the time has verily come when there should be no North, no South, no East, or no West to this glorious Union, except a North, South, East, and West to be loved by every patriotic son who claims this fair land as his home. In the prosecution of our duties here as Congressmen we should not know from whence we come. [Applause.] It should make no difference where the money is to go or to whom it is to be given, for wherever it goes or to whomsoever it is given it will go to a loyal land and be given to worthy, patriotic citizens. [Applause.]

The only question that should control us in passing upon the measure is, Is it a just one? What, Mr. Chairman, if this money should go to the South? I ask the House in all earnestness to consider that proposition in all its phases. What has the South done that she should be everlastingly and eternally condemned? Has the South done nothing for the establishment of this grand and glorious Government? Has she not poured much of her heart's blood into the channel of the prosperity of our common country? Has she not lent a hand in the building up of its most magnificent institutions? Has she not done much to awake the world to the fact that man has a right to worship God according to the dictates of his own conscience? Has she not aided this country in its effort to impress upon monarchical governments everywhere that free institutions alone could exist upon the Western Hemisphere? Did she have nothing to do with the establishment of the independence and liberty that you now enjoy?

I point you to the unbiased history of America for an answer to these questions. There you will find that some of its greatest victories and most glorious achievements were wrung from the hard hands of grim adversity and oppression by southern sons. You will find that some of the highest seats in the council of the earth's greatest nation were occupied by southern statesmen. You will find that our most eminent generals in all of our wars prior to the unfortunate war between the States were given to our common country by the South. You will find in every war that this country has had with a foreign foe that southern patriots have been in the thickest of the fight, and that their rich red blood has stained every battlefield upon which they fought. And, gentlemen, I swear to you that there never will be a struggle in which this Government is pitted against another that the South will not hasten to the front and be ready to freely spill her blood again. [Applause.]

It is true that the South did secede in 1861, but with the lights before it at the time, with the conditions that surrounded it then, I say with all the fervor of my nature that it had a right to believe that it was doing what was best for its people; and when viewed in the light of the recent secession of Panama from the United States of Colombia, which seems to have met with the approval of a large majority of the citizens of this country, both North and South, I am doubly assured that the South had a right to believe that the right of secession was hers.

She submitted her differences with the other States of the Union to an arbitrament of the sword, and she did it in an open, brave, and chivalrous manner. It was decreed that she should be defeated in that contest. She accepted her defeat as a finality, and at no time since the last gun was heard in the bloody struggle between the States has she desired to raise a hand to stain the flag of a united country. As one who sprang from the loins of a soldier who fought for four years for the cause of the South, and whose blood has been warmed by a southern

sun from its earliest existence, I say to you, gentlemen, that I am glad the war is over, and I am equally glad that this nation was not dismembered. It is too grand and glorious an institution to be torn asunder, and my earnest prayer is that her citizens will nevermore live in the past, but turn their faces toward the future, and let us all work together to make this the most united nation of the world, to make it a beacon light of peace, happiness, and prosperity that will shine after we are gone to light the way for posterity, even unto the end of time.

Mr. Chairman, with an earnestness that I can not find words to describe, I say to the membership of this House from every quarter of this Union that my heart's desire is for a union of our lakes and a union of our lands, a union of our hearts and a union of our hands that no power on earth can sever; and for the perpetuation of the grand old flag of this Union forever. [Applause.] And while I express myself to you gentlemen as I do, I want it distinctly understood that I have no apology to offer for what my father and his gallant southern compatriots did while they were battling for their rights as they saw them.

No one can say for a moment that the South in her contentions for what she believed to be her rights ever sought to do the North, the West, or the East any harm. She argued in legislative halls and upon the hustings in defense of herself, and throughout the bitter struggle between the States she waged her part of the contest upon the ground of the preservation of her own institutions, and not for the injury or destruction of the institutions of any other part of the Union. To have been victorious would no doubt have been injurious for herself, but human minds are not so constructed as to foretell those things that will always be for the best. It is often the case that upon bowed knee man appeals to his Maker for that that would be injurious to him if he were to receive it. Perish the thought that we of the South are the enemies of any part of this Government or any of its peoples.

You might search the South from one end of it to the other and you could not find a man who to-day would vote to sever the Union. We who have the honor of representing her in this body are here to join hands with you in legislating for the whole country as though it were as one man, and in our civic life we want to do the very cleanest and best things that can be done for a common people and a common country.

Reverting again to the old Mexican soldier, I will say it is true that out of the 4,500 that yet remain among us perhaps a majority of them are living in the South, but many of them have gone there since the war between the States. One of the bills that I introduced to increase the pension of a Mexican soldier is for the benefit of a good old soul who honors my native county with his citizenship, but he volunteered for the Mexican war from the State of Indiana, and came to Arkansas after the civil war. Another of the bills introduced by me is for the benefit of an Ohio volunteer. They went South to make their homes among us, because we have a climate, a soil, and a society that is not surpassed by any community on earth, and there is no question but what many of your constituents from the North will ere long seek to make their homes in the South.

It stands with open arms, ready to receive them. Taken all in all, the resources of the South are matchless, and men of sense and progress, who now reside in other parts of the United States, are rapidly discovering that fact and are making ready to go in that direction.

Yes, many of the old soldiers that I seek to legislate for came from different quarters of the Union to the South, yet they look back to their old homes in the North, East, and West with fond recollection, and expect you, who represent the States of their nativity, to help me in my undertaking. God has seen fit to let many of them reach the age of 70 years and more, but, for some unknown reason, their health is broken, and they are without means.

The bill provides that if they have an income sufficient to maintain themselves, or are able to do so by manual labor, they shall receive no increase of pension under it.

Mr. NORRIS. What is the rate provided for in the bill?

Mr. MACON. The bill provides for a dollar a day, \$30 per month. I thought a dollar a day would not be too much for them.

Mr. NORRIS. Is it limited to those who have no income?

Mr. MACON. Yes; those who have not sufficient income to provide them with the necessities of life and who are disabled from manual labor, either from age, accident, or disease. It provides for no other class of them, and it strikes me as being a most just cause.

Mr. NORRIS. Does not the bill fix some rate of income that shall still permit them to come in and receive this pension?

Mr. MACON. I will read that part of the bill to which the

gentleman refers, and allow it to answer his inquiry. It is as follows:

That the Secretary of the Interior be, and he is hereby authorized and directed to increase the pension of every pensioner who is now on the rolls at \$12 per month on account of services in the Mexican war, and who, from age, accident, or disease, is disabled from manual labor and is in such circumstances that \$12 per month are insufficient to provide him with the necessities of life, to \$30 per month; that all pensioners provided for in this act shall be deemed to be disabled for manual labor when they have attained the age of 70 years.

Mr. SMITH of Kentucky. Mr. Chairman, I would ask the gentleman if he has any provision in his bill for increasing the rate of pension for the widows of the Mexican soldiers?

Mr. MACON. None whatever.

Mr. SMITH of Kentucky. Does the gentleman not think their pension ought to be increased along with the Mexican veterans?

Mr. MACON. Yes; I most sincerely and emphatically do.

Mr. SMITH of Kentucky. I agree with the gentleman, and I think they both ought to be increased.

Mr. NORRIS. I would like to ask the gentleman if he does not think he ought to be more specific in the income, and that he ought to provide in the bill that a man who has an income not exceeding a certain amount, or something of that kind, instead of saying that it shall apply only to those for whom \$12 is not sufficient.

Mr. MACON. If \$12 per month would furnish them with the necessities of life, or if they had income sufficient to support them independent of a pension, I would not be asking for an increase, and I know they are too patriotic to want the Government to give them anything they do not actually need.

Mr. NORRIS. I want to suggest to the gentleman it would be better for his bill to provide that it should apply to those who had an income not exceeding two hundred, three hundred, or four hundred dollars a year.

Mr. MACON. I would certainly be glad to accept an amendment of that kind to this bill. It will please me very much to have the committee amend the bill in the manner suggested by the gentleman. I am for any kind of a measure that will give to these dear old patriots a comfortable support during the declining years of their lives.

Mr. CANDLER. Will the gentleman permit a question?

Mr. MACON. With pleasure.

Mr. CANDLER. I understand this provides for a horizontal increase up to \$30, if they have not a sufficient income on which to live?

Mr. MACON. Yes, sir; that is correct.

Mr. CANDLER. It puts them all on the same basis?

Mr. MACON. Yes, sir; it measures them all by the same rule exactly.

Mr. CANDLER. I understood you to state to the gentleman from Kentucky [Mr. SMITH] a moment ago that there was no provision in the bill at all in reference to widows.

Mr. MACON. There is none, sir.

Mr. CANDLER. I would be very glad to see that included. I am always for the widows.

Mr. MACON. No one could be more delighted with a clause of that kind than I, sir; for I am also very partial to the grand old women of these United States.

Mr. STANLEY. Does the gentleman confine his partiality to the old women?

Mr. MACON. I do not, sir; but they come first with me. Nothing appeals to me so much as our grand old women who have borne the burdens of life for many years and find themselves without comforts as they patiently tread its shady slope.

Mr. STANLEY. If the gentleman will permit another interruption, I will say I am heartily in favor of this bill. I believe there is often a great deal of necessity for taking care of the widows of Mexican veterans. I have many meritorious cases of that kind in my own district.

Mr. MACON. I will join hands right now with the gentleman from Kentucky in a measure for the increase of the pensions of the widows of Mexican soldiers. I was asked by members of the Association of Mexican Veterans of my district to introduce this bill. Had the ladies requested me to introduce a bill for them, I would have been glad to do so.

Mr. STANLEY. If the gentleman will permit me a question, the ladies possibly have not an organization, and therefore it is more important that they should be looked after because of that fact. You remember at the last Congress, or the Fifty-seventh Congress, an increase was granted to the old soldiers from \$8 to \$12 per month.

Mr. MACON. Several years ago; yes, sir.

Mr. CANDLER. And the widows were neglected then.

Mr. MACON. Yes, but I had nothing to do with it.

Mr. CANDLER. And they only receive now \$8 per month,

while the men receive \$12 per month. I can not for the life of me see any reason for that, and I think at least they ought to be put upon the same basis as the men, when they are dependent widows and must look after their own interests and their own welfare. Therefore, I would suggest to the gentleman that he seriously consider the including of widows as well as men.

Mr. MACON. I do not have to consider the matter. I am ready right now to support a measure of that character, no matter who introduces it, and if it is not introduced by any other Member of this body, I expect to introduce it myself.

Mr. CANDLER. Knowing the chivalrous character of the gentleman, I know he is always for the ladies.

Mr. MACON. Thank you, sir. Woman always comes first with me. Mr. Chairman, I am glad to see so many Members interested in this measure, and it strikes me that very little argument in behalf of it ought to be necessary in order to enlist the hearty sympathy and support of the entire membership of this body. In a word, sir, it strikes me that the mere presentation of the matter would be a sufficient argument in its behalf, but it seems that we have many men of many ideas to contend with here, and you are hardly through with answering one objection before another presents itself. I have heard it said that there would be some objection to my bill because if it passed the Northern soldiers who served in the war between the States would be asking for a similar measure. In reply to that objection I will say, as one who represents a district that is southern to the core, that if a bill is presented to this Congress to grant worthy ex-Union soldiers who have reached the age of 70 years and who are disabled from accident, disease, or age, who are destitute of an income sufficient to give them the necessities of life, an increase of pension, it will receive my vote. They fought under the same flag that waved above the gallant heads of those who followed the Stars and Stripes in the contest against Mexico, and, believing that they were fighting for a worthy cause when they fought for the preservation of this Union and that they fought for what they believed to be right, I would not have the heart to vote against a measure that gave them no more than enough to supply themselves with the necessities of life when they were found to be in such destitute condition as the old Mexican soldier for whom I plead. I have long since come to the conclusion that we are all citizens of the same nation and that we should all join hands and work for our common interests. [Applause.]

And I believe in that spirit of reciprocity that proclaims the doctrine of "Do unto others as you would have them do unto you." Hence, if I ask you to vote to pension the men who fought for the cause of the Union in the war against Mexico, I certainly would not have it in my heart to refuse to aid you in your effort to pension the ex-Union soldiers who followed the flag in the war between the States. They followed the same flag when they marched against Santa Ana that they did when they marched against the South; hence I can not understand how a distinction can be drawn. If you look at in any other light, gentlemen, you are bound to be partisan.

I long for the speedy coming of the time when there will be no partisanship rankling in the breast of any Member of this House. I was pained the other day when I saw the question of partisanship brought into the deliberations of this body upon a question that was absolutely nonpartisan. I refer to the impeachment proceedings against Judge Swayne, of Florida. It certainly had no partisan feature about it. It was simply a plain question as to whether or not the Members of this Congress believed that Judge Swayne had so conducted himself as that he ought to be removed from the bench under the Constitution and laws of the United States. That question alone ought to have been considered by this body. But, sirs, an argument was brought in here from one upon the outside, by letter, which sought to control the membership of the House along partisan lines. The letter referred to fairly bristled with the idea that the Democratic Members of this House from Florida were trying to impeach Judge Swayne solely upon the ground that he was a Republican.

Do any of you believe that there is a southern Congressman upon this floor who is so destitute of honor and integrity as that he would present articles of impeachment against a Federal judge upon the ground that he belonged to a party different from the one to which he belonged? If so, gentlemen, then you place a far lower estimate upon us than we place upon you.

Judge Trieber, who presides over the Federal court for the eastern district of Arkansas, is a Republican, and yet I account him to be one of my best friends. He is an able judge and a courteous gentleman, and I would no more vote for his impeachment than I would for the impeachment of the present Chief Justice of the Supreme Court.

Gentlemen, I have referred to the recent impeachment pro-

ceedings for the sole purpose of showing how easily and yet how groundless a partisan feeling can be drawn into the consideration of any matter before this House in order that I might appeal to you not to allow any such feeling to enter into the consideration of the bill to increase the pension of the Mexican soldiers. If the bill passes and every one of the forty-five hundred receives the benefits that accrue under it, it will only increase the pension rolls \$81,000, a sum which pales into insignificance when measured by the valuable services rendered this Government at one of the most critical periods of its existence.

Gentlemen, let us vie with each other in giving these grand old warriors and patriots the substantial increase of their pension to maintain them in their declining years. They did much for their country. In their behalf I beg you to do a little for them. [Loud applause.]

Mr. STEPHENS of Texas. Mr. Chairman, the gentleman from New York [Mr. FITZGERALD] stated some objections to that part of this bill that refers to the opening of the mining lands in some of the reservations. I do not think that is subject to the objections raised by him or to a point of order, coming in the connection in the bill as it does, and I hope the gentleman will not raise the point of order when we come to discuss that portion of the bill. That provision of the bill is found on page 29, and relates to opening Indian reservations, and is in this language:

To enable the President to cause, under the provisions of the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians," such Indian reservations as in his judgment are advantageous for agricultural and grazing purposes to be surveyed or resurveyed, for the purposes of said act, and to complete the allotment of the same, including the necessary clerical work incident thereto in the field and in the Office of Indian Affairs, and delivery of trust patents, so far as allotments shall have been selected under said act.

Mr. Chairman, this law provides that the agricultural and grazing lands in any Indian reservation may be opened by order of the President, and steps taken to allot the surplus lands except the mineral lands. My amendment provides what shall be done with the mineral land, and it would be germane because the object, the purpose, and the intention of this act is to open such Indian reservations as the President may in his judgment see proper to open, and to allot the lands to the Indians when they desire it, and that the rest shall be so opened for settlement that the Indians shall realize from it and receive the amount of money arising from its sale. We dispose of the grazing land and the agricultural land in the form of the bill as drawn, but there is no disposition made of the mineral lands. My amendment provides that the mineral lands shall be disposed of under the mining laws of the United States. The money arising from their sale when the final payment is made is paid to the Indians.

If the point of order is sustained and the law remains as it now is, the Indians will not receive anything for their mineral lands. If my amendment becomes law they will get \$5 per acre for it, which is much more than they otherwise would get. It would not only be a benefit to them in that direction, but, Mr. Chairman, it would greatly benefit the Indians by providing employment for them in the mines that would be opened upon and near their agency. Take, for instance, the arid country in New Mexico and Arizona. They are worthless for anything except for grazing purposes, and in many places a mile square would not support one cow. I have in my mind, Mr. Chairman, the Navaho Reservation, in the western part of Arizona, and the Mescalero Reservation, in the eastern part of New Mexico. These vast reservations contain a great amount of desert mineral lands, upon which no grass grows; hence they are not grazing lands. They are high uplands and can not be irrigated, but they are known to contain valuable minerals. The Indians have never used these lands for any purpose; they have been unused since the dawn of creation, and will so remain until the end of time, and unless they are thrown open as mineral lands under the United States mining laws as proposed by my bill and the amendment I have offered to this bill they will remain undeveloped. There is no reason why these vast resources should be locked up. As I said before, the law provides for throwing open the agricultural and grazing lands; and I defy the gentleman from New York to give a reason why we should not provide in the same bill for opening the mineral lands.

All interests of the Indians are amply guarded in the last clause of the section I have offered, and I will call attention to the same, beginning at line 8 on page 30. There this language will be found:

The Secretary of the Interior shall, when practicable, secure from Indian tribes possessing vested rights in reservations which contain valuable mineral lands a relinquishment of such rights so far as they apply to said mineral lands, such relinquishment to be by agreement subject to ratification by Congress, and the provisions of this act shall be extended to such lands by proclamation of the President.

Now, Mr. Chairman, the President of the United States must first segregate the mineral lands from the reservations by proclamation. That is the first part of the amendment. In the latter part of the amendment it is provided that the Secretary of the Interior shall make a treaty or cause treaties to be made with the Indians, and that such treaty must not only be made with the Indians, but it must be ratified by Congress. Therefore I ask, How can the Indians be injured with all the safeguards in the bill to prevent injury to them?

Mr. FITZGERALD. Will the gentleman allow me?

Mr. STEPHENS of Texas. Certainly.

Mr. FITZGERALD. Mr. Chairman, I may be mistaken about the purpose of this amendment. Does the gentleman contend that this merely directs the Secretary of the Interior to negotiate for the relinquishment of the rights of the Indians, and to submit the agreement which is made to Congress, and after ratification by Congress then to have the mineral lands opened to entry and settlement?

Mr. STEPHENS of Texas. That is the plain language, beginning with line 8 down to line 15.

Mr. FITZGERALD. I call the gentleman's attention to the fact that the amendment provides specifically that all mineral lands situated within the boundaries of the Indian reservations are to be declared opened for entry and settlement; and I take it that under the decision in the Lone Wolf case that perhaps Congress can really take the Indians from the Indian reservations and restore those lands to the public domain, and that that would be the effect of this amendment.

Mr. STEPHENS of Texas. Mr. Chairman, in reply I desire to call the gentleman's attention to this part of the amendment, beginning in line 4:

The President shall, by proclamation, designate the reservations or parts of reservations to which the act may properly apply, and said act shall be in force as to said reservations or parts of reservations from and after the dates of such proclamations.

Before anything can be done the President must designate the portions of the reservations that can be opened for mineral purposes. Now, when this is done my amendment provides that—

The Secretary of the Interior shall, when practicable, secure from Indian tribes possessing vested rights in reservations which contain valuable mineral lands a relinquishment of such rights so far as they apply to said mineral lands, such relinquishment to be by agreement subject to ratification by Congress, and the provisions of this act shall be extended to such lands by proclamation of the President.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. STEPHENS of Texas. Yes.

Mr. FITZGERALD. Does the gentleman from Texas believe that any Indians have any vested right in any reservations?

Mr. STEPHENS of Texas. That is a legal question that the President and the Secretary of the Interior must settle for themselves, the President, of course, on the advice of the Attorney-General, and in doing this they would be governed by the treaties and laws ceding the lands to the Indian tribes.

Mr. FITZGERALD. Is it not the opinion of the gentleman from Texas—I am not finding fault with it at all—that the Indians have no vested rights in any reservation?

Mr. STEPHENS of Texas. It is my opinion that in the case of the Five Civilized Tribes in the Indian Territory they do have a vested right granted to them by treaties and patents from the United States.

Mr. FITZGERALD. Outside of that.

Mr. STEPHENS of Texas. Outside of that I know of none that Congress can not divest under the authority of the Lone Wolf case.

Mr. FITZGERALD. The gentleman and I differ in that respect. I believe they have vested rights in all of the reservations, either executive or otherwise.

Mr. STEPHENS of Texas. The gentleman, then, disputes the authority of the Lone Wolf case, decided by the Supreme Court of the United States, in which it is held that Congress has the right to dispose of these lands?

Mr. FITZGERALD. In the Lone Wolf case the United States Supreme Court held that the United States Congress had a right to deal with the property of the Indians as it saw fit, because Congress stood in the relationship of a guardian to a ward; but through that opinion I read the belief of the court that we must dispose of them in a proper way and that we can not confiscate the property of the Indians. And I doubt very much whether the Supreme Court will uphold an act such as this, which takes from the Indians their rights in the mineral lands and turns the mineral lands practically over to the public domain and makes no provision for any compensation to the Indians, on the theory that they are being benefited by having something of value taken from them.

Mr. STEPHENS of Texas. I will let the gentleman settle his controversy as best he may with the Supreme Court in the Lone Wolf case; but with reference to the Indians receiving compensation, the gentleman certainly has not read the bill nor listened to my argument favoring its adoption. The mining laws of the United States provide that when a miner receives his patents for mineral lands from the United States he must pay \$5 an acre for the land, and that money is paid to the Indians.

Mr. FITZGERALD. This says that these lands—

are hereby declared to be opened for and shall hereafter be subject to location, development, operation, and entry by citizens of the United States the same as other mineral lands.

That is, under the mineral laws of the United States. Under those mineral laws there is no provision made for the payment of any moneys to the Indians by those who enter upon those lands. That money is paid into the Treasury of the United States. In this proposed provision there is no law that would require the money paid by those who enter the mineral lands to be placed in the Treasury to the credit of the various Indian tribes. It would simply go into the general fund of the United States and would not in any sense be credited to the Indians.

Mr. STEPHENS of Texas. As I understand it, we have now on the statute books a law providing that all the moneys arising from the sale of Indian lands are trust funds for the benefit of the Indians. But it would be very easy to further safeguard the bill by saying that the money shall belong to the Indians.

I do not know, Mr. Chairman, what the position of the gentleman would be with reference to opening these lands. When or how are these Indian reservations to be opened? And how are we to justify ourselves as lawmakers or as men who desire to see this country fully developed by permitting hundreds of thousands, yea, millions, of acres of mineral lands to remain idle and useless by being locked up from the prospector and the miner of the United States? The Indians can not and will not work these lands nor even prospect them. We have another case of the dog that lay in the straw that he could not eat himself, nor would he permit the hungry ox to eat it. These arid mineral lands are of no value now to anyone, and if they are ever to be used I can not devise better means or greater safeguards for their disposition and opening to settlement than by a proclamation of the President.

Can we not trust the President of the United States to deal fairly by the Indians? Certainly we should do so, because he can easily, without expense to the Government, determine through the geological department what parts of the reservations are mineral land and what are not. Then can we not trust the Secretary of the Interior to negotiate treaties with these Indians for the mineral lands in their reservations, and if these treaties are negotiated by him and referred to Congress for ratification could you trust yourself as a Member of Congress or those who come after you to justly and fairly pass upon these treaties? The Indians must consent to it by treaty, and I now assert that every possible safeguard is thrown around this bill, and how any objection can reasonably be urged against it I can not imagine. But I should like to see the gentleman from New York [Mr. FITZGERALD] draw a bill that would throw these lands open. He would certainly have to exhaust his ingenuity in endeavoring to do it with more safeguards than I have provided in this measure.

Mr. Chairman, the Indian appropriation bill now under consideration carries in round numbers \$7,000,000. The last Congress appropriated for the same purpose something over \$9,000,000. We have made these reductions by allotment of the lands of many of these Indian reservations, giving to each Indian his individual share, thus making them self-supporting citizens. You will find by examination of the bill that more than \$4,000,000 of the money carried in the \$7,000,000 appropriated are for educational purposes.

We have three kinds of schools, the nonreservation boarding school, the reservation boarding school, and the reservation Indian day school. I think, Mr. Chairman and gentlemen of the House, that we could very well afford to do away with, and that we should cease at once to appropriate further money for, nonreservation schools. I believe that all these appropriations should be spent in the reservations where the parents can see the children, where the benefits of schools and of the white man's civilization would be derived immediately by the tribe. I do not think we should carry Indian children across the continent from the Indian and other Territories and from the Pacific coast to Carlisle, Pa. It is too expensive and the change of climate is too great. I believe that the Government should sell all nonreservation school buildings and build schools on

the reservations. I think every nonreservation school should be done away with, and that we should educate the Indian children in the States and in the Territories where these reservations are located.

Mr. Chairman, I further fully believe that each of the Territories of the United States should be made at once a State. I believe the statehood bill should pass now, and that we should segregate New Mexico and Arizona and make each a separate State under their old names. The Indian Territory and Oklahoma should be admitted as one State. Had I the power to do so, I would give the States full jurisdiction of the Indians within their borders and surrender the United States' control over them. The State legislatures where the Indians reside know more about the Indians within their own borders than the Members of Congress could possibly know. The Members of Congress living east of the Mississippi River, thousands of miles from the Indians, can know but very little of the Indian or his needs. If we should turn over to the Indians their property and make them citizens of the United States we could then let the State legislatures care for them; if Congress saw proper, it could make what appropriation it desired for educational purposes to any special tribe of Indians, even after the States have control of them. When their lands are allotted to them, they become taxpayers and citizens of the State in which they reside, and such States should have full control of them and educate them. We should not adopt the policy of becoming the permanent guardians of Indians who are citizens of a State. It is time that we should draw the line somewhere. We are educating at Carlisle and other nonreservation schools Indians whose fathers and mothers were educated there. When and where is this policy to stop? We should turn these Indians over to the States where they reside as soon as they become citizens of the State, and let the State educate and care for them.

The Southern States at the close of the civil war had 4,000,000 negroes (who were then as much the wards of the Government as the Indians are now) turned loose in their borders, without one cent ever being appropriated by Congress to lighten the burden of these States in educating and caring for the black man. Likewise why should not the red men be cared for in the States where they live?

My genial friend the Delegate from New Mexico [Mr. RODEY] offered an amendment, I believe, to the Indian appropriation bill last year providing that all persons of Indian blood should have the right to be sent to the nonreservation Indian schools. I objected to it because the amendment would have included Mexicans. The history of our country proves that there is more or less Indian blood in every Mexican, except the pure Castilian. The Mexicans are a mixture of various races, but there is always Indian blood in them. The men whose duty it is to go about this country and collect Indian children for the Indian schools went into the city of El Paso, in my State, and obtained from that city many Mexican children as students—I forget the exact number—and carried them to nonreservation schools in Oklahoma and Kansas. An investigation was brought about by the Indian Office, and it appeared that they had a great many Mexicans at these Indian schools; some of them were citizens of the State of Texas. It is not the duty of the Congress of the United States to be educating the children of citizens of any State because perchance they may have some Indian blood in them. If they should do that, we might have many Virginia children in our Indian schools, because many Virginians claim that they are descendants of Pocahontas. Two Members of this House have Indian blood in them. Would anyone say that we ought to educate their children?

I ask you where the line is to be drawn? I would draw the line at full blood. I would educate no Indian except he was an Indian of full blood. Whenever he mixes with other races, then the paternal hand of the United States should be taken from him; he should no longer be our ward, and we should make him his own guardian.

Mr. Chairman, I desire to call the attention of this House to the condition of affairs in the Indian Territory in regard to removing restrictions from the sale of lands allotted to Indians. We have many people of Indian blood there who are more capable and more competent of attending to their own business than the ordinary white man, and yet these men can not sell a tract of land, and can not lease any of their land to a renter without the Secretary of the Interior approves their contracts. It is wholly impracticable to do this. We should change the law and let these Indians control their own property. We should let them use it as other citizens of the United States use their property, and should turn it over to them, except the homesteads, which we should make inalienable for a term of years, as the law has already done.

When we do that, we would turn loose that Territory, and we would see large towns spring up there immediately on every hand, and every industry that can be brought about in the Southwest would flourish at once. More railroads would be built. More mines would be opened, and you would thus inaugurate an era of prosperity in that country such as we have never witnessed before. As long as the Secretary of the Interior holds in his hand the property of these Indians, as long as we consider them our wards, as long as we perpetually hold the business of that country under the laws in operation there now, will we prevent any further development, and that country will remain the prey of carpetbaggers and grafters. These bands of reckless cormorants have already amassed great fortunes by plundering under color of law a defenseless people.

Mr. Chairman, I secured an amendment to the last year's Indian appropriation bill requiring all employees of the United States Government in that Territory to swear that they were not interested in any tribal development companies dealing in Indian lands. I learn that some of these employees have failed to draw their salaries because they would not take this oath. If so, they should be dismissed from the service of the Government, for they are clearly violating the law. I now have a resolution pending before the Indian Committee of the House asking the Secretary of the Interior to furnish us the names of any such persons, with a view, if possible, to have them dismissed from office. Honesty in the conduct of public affairs must be enforced or our Republic will prove to be a miserable failure.

Mr. SHERMAN. Mr. Chairman, I would ask if the gentleman has exhausted his time?

The CHAIRMAN. The gentleman has ten minutes remaining.

Mr. SHERMAN. Does the gentleman wish to use it?

Mr. STEPHENS of Texas. Not at present. I would ask if there is any gentleman on this side of the House that wishes to speak?

Mr. SHERMAN. Unless the gentleman wishes to use his time, I think we had better proceed to the reading of the bill. I do not wish to take any more of my time.

Mr. STEPHENS of Texas. No one here desiring to speak, I think we may as well go ahead.

Mr. SHERMAN. Mr. Chairman, I ask for the reading of the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

At the Crow Creek Agency, S. Dak., \$1,600.

Mr. ZENOR. Mr. Chairman, I move an amendment, which I will send to the desk and ask to have read.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, strike out lines 9 and 10.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BURKE. Mr. Chairman, I hope the amendment offered by the gentleman from Indiana [Mr. ZENOR] will not prevail. This agency was estimated for in the Book of Estimates and the appropriation for the agency incorporated in this bill by the Committee on Indian Affairs. There has always been an agent at this particular agency. I wish to say that I live in South Dakota and I know the conditions surrounding this and other agencies in my State, and it is my judgment and my belief that the interests of the Indians will be better served by an agent than by a bonded superintendent. I would like to call the attention of the committee to a provision in the bill on page 4, which provides as follows:

That the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may devolve the duties of any Indian agency upon the superintendent of the Indian training school located at such agency whenever in his judgment such superintendent can properly perform the duties of such agency. And the superintendent upon whom such duties devolve shall give bond as other Indian agents.

I would state, Mr. Chairman, that Indian agents to be appointed by the President and confirmed by the Senate are provided for in the law originally creating Indian agents. In an appropriation bill some few years ago, it appearing that in some instances agencies had become reduced by conditions which made no occasion for continuing an agent, this provision was incorporated making it discretionary with the Commissioner to discontinue an agent whenever in his judgment he saw fit to do so, and the practice has been not to drop the agencies from the appropriation bills until after the agency had been discontinued and placed under a bonded superintendent.

That, Mr. Chairman, has been the practice, and, with possibly a few exceptions, there has been no agency discontinued by leaving the appropriation out until after a bonded superin-

tendent has been placed in charge of said agency. The gentleman from Indiana [Mr. ZENOR] would see fit to create an impression that this is a question of politics. I want to say, Mr. Chairman, that there is no politics in it from my standpoint. It happens that in the State of South Dakota there are more Indians than in any other State in the Union. There are seven distinct Indian reservations, all of whom are under the superintendency of an agent. From my knowledge of the Indian question, from my personal knowledge of the several tribes of Indians in my State, I say here without reservation that their best interests are served by an agent rather than by a bonded superintendent. The gentleman from Indiana read something from the Commissioner of Indian Affairs by which it appeared that practically all there was for an agent to do was to pay certain moneys to these Indians.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. BURKE. I ask, Mr. Chairman, for five minutes more.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent that he may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BURKE. I wish to say very briefly, Mr. Chairman, that in addition to these duties the Indian allotments are leased by the Indians under the superintendency of the agent. At the Yankton Agency, which is one of the agencies the gentleman proposes to strike out of this bill, they lease something like 800 tracts of land. Lands belonging to deceased Indians are sold under regulations prescribed by the Secretary of the Interior, under the direct supervision of the agent at the agency where the lands are located. These Indians are gradually becoming self-supporting; they are engaged in stock raising, in grain raising, and I say that a superintendent or agent over them should be selected with regard to his general business experience rather than by reason of experience as an educator. A man may be a good school-teacher, he may be a good teacher of Indian children, and yet not have had such an experience that he possesses any qualifications for an agent having under his charge Indians who are mere children and teaching them to become self-supporting and teaching them the arts of farming, including grain raising and stock raising. Then, Mr. Chairman, there is the question of violations of the law upon reservations, especially in regard to the introduction of liquor upon the reservations, and I say that any superintendent, if he properly discharges his duty and looks after the interest of the school under his charge at any of the agencies in South Dakota, will have no time, even if he is qualified, to attend to the duties devolved properly upon an agent, and I hope that this amendment and the amendments that the gentleman may offer following this relative to certain other agencies will not prevail.

Mr. ZENOR. Mr. Chairman, in reply to my friend from South Dakota, who says this agency has been established for a long while, I should say if we shall continue to yield to the appeals of the gentleman from South Dakota it will continue for a long time in the future. I think that this is no reason why this agency should not be abolished. But he says South Dakota has the largest number of Indians of any State of the Union. I appreciate and commend the good judgment of the people of South Dakota, including these Indians who enjoy the privilege of the elective franchise in South Dakota, in sending the gentleman here to represent them on the floor of this House, but what he says in regard to the necessity of retaining this agency is in contradiction of what the Commissioner of Indian Affairs has stated. As I have already stated to the Members of this House that the Commissioner of Indian Affairs has not only discontinued this office but has stated that the discontinuance continued until by the Committee on Indian Affairs it was reestablished—

Mr. BURKE. Will the gentleman yield?

Mr. ZENOR. I yield.

Mr. BURKE. The agency at this place has never at any time been discontinued.

Mr. ZENOR. Well, perhaps it was the Yankton Agency, but recommendation has been made by the Commissioner on different occasions to abolish this particular agency, saying there is no need of retaining an agent, because the duties devolving upon an agent at this particular reservation can, to the advantage of the Indians, be devolved upon the superintendent of the school at that point. Now, the gentleman says that in his judgment, and I concede that the gentleman is more familiar perhaps with the surroundings of this particular reservation and with the conditions which exist there than myself; but here is the statement of the Commissioner of Indian Affairs, who is charged with the investigation of the conditions along the line that has been pursued and the policy that has been adopted to drop these agencies when there is no occasion to retain them, the Commis-

sioner of Indian Affairs, who has carefully investigated this matter, I have no doubt, and no one will stand upon the floor of this House and for one moment question the ability, the efficiency, the integrity, and faithfulness of the recent retired Commissioner of Indian Affairs.

He has been one of the best commissioners that has ever filled that position, and he goes out with credit to himself and with honor to his country; because of having investigated these and other matters and insisting upon his recommendations made pursuant thereto he has been an instrument in the hands of the Government in reducing to a very large extent the expense of the Indian Department. And here comes a proposition, backed by the statements of the Commissioner of Indian Affairs before the subcommittee, that this agency ought to be abolished, and the duties devolved upon a bonded superintendent at the school already there. There is nothing there to be done by the agent except, as the Commissioner says, to make a few payments on annuities yet due them, which can be as readily and more properly attended to by the bonded superintendent, perhaps more readily, than by the agent himself. I think, Mr. Chairman, that this and similar provisions, surrounded by like circumstances, should go out of this bill.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana [Mr. ZENOR].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ZENOR. Division, Mr. Chairman.

The committee divided; and there were—ayes 31, noes 49.

So the amendment was rejected.

The Clerk read as follows:

At the Lower Brule Agency, S. Dak., \$1,400.

Mr. ZENOR. Mr. Chairman, I move to amend by striking out all of lines 21 and 22 on page 2 of the bill.

Mr. BURKE. This is the same as the other proposition. I hope the amendment will not prevail.

The CHAIRMAN. The question is on agreeing to the amendment, which the Clerk will read.

The Clerk read as follows:

In lines 21 and 22, page 2, strike out the words "At the Lower Brule Agency, S. Dak., \$1,400."

The question was taken; and the Chair announced that the noes seemed to have it.

Mr. ZENOR. Division, Mr. Chairman.

The committee divided; and there were—ayes 32, noes 44.

So the amendment was rejected.

The Clerk read as follows:

At the Sisseton Agency, S. Dak., \$1,500.

Mr. ZENOR. Mr. Chairman, I move to amend by striking out all of lines 11 and 12 on page 3 of the bill.

The CHAIRMAN. The gentleman from Indiana [Mr. ZENOR] offers an amendment, which the Clerk will report.

The Clerk read as follows:

In lines 11 and 12, page 3, strike out the words "At the Sisseton Agency, S. Dak., \$1,500."

Mr. BURKE. Mr. Chairman, I think this is practically the same proposition as the others.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The Clerk read as follows:

At the Yankton Agency, S. Dak., \$1,600.

Mr. ZENOR. Mr. Chairman, I offer an amendment by striking out lines 21 and 22 on page 3 of the bill.

Mr. BURKE. Mr. Chairman, I wish to say that this is the same as the other proposition, and I hope it will not prevail.

The CHAIRMAN. The gentleman from Indiana [Mr. ZENOR] offers an amendment, which the Clerk will read.

The Clerk read as follows:

In lines 21 and 22, page 3, strike out the words "At the Yankton Agency, S. Dak., \$1,600."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the Chair announced that the noes seemed to have it.

Mr. ZENOR. Division, Mr. Chairman.

Thereupon the committee divided; and there were—ayes 30, noes 37.

So the amendment was rejected.

The Clerk read as follows:

For necessary expenses of transportation of such goods, provisions, and other articles for the various tribes of Indians provided for by this act, including pay and expenses of transportation agents and rent of warehouses, \$200,000.

Mr. LIVERNASH. Mr. Chairman, I move to strike out the last word. I desire to ask the gentleman in charge of the bill [Mr. SHERMAN], for the sake of certainty as to San Francisco, whether the pending paragraph contemplates treating San Francisco as New York and Chicago are treated?

Mr. SHERMAN. Absolutely the same. San Francisco has been maintained for many years by the general appropriation, which in this bill begins at line 19 on page 7, and it will be continued, there is no doubt of that. It is absolutely essential that San Francisco shall be continued. It was always provided in this appropriation until last year, where a special item was carried for it.

Mr. LIVERNASH. Is that the reason why the appropriation carried by this paragraph is \$10,000 greater than the estimate?

Mr. SHERMAN. Yes, sir; it is. That is the reason.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from California [Mr. LIVERNASH] will be considered as withdrawn.

The Clerk read as follows:

For interest on \$390,257.92, at 5 per cent, for education, support of the government, and other beneficial purposes, under the direction of the general council of the Chocaws, in conformity with the provisions contained in the ninth and tenth articles of treaty of January 20, 1825, and treaty of June 22, 1855, \$19,512.89; in all, \$30,032.89.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent that the Clerk in engrossing the bill may make a correction in the spelling of the third word of line 14. It should be "per" instead of "epr."

The CHAIRMAN. Without objection, the Clerk will correct the spelling.

There was no objection.

The Clerk read as follows:

For interest on \$230,064.20, at 5 per cent, in conformity with provisions of article 7 of treaties of June 5 and 17, 1846, \$11,503.21; in all, \$19,532.12.

Mr. SHERMAN. Mr. Chairman, I offer the following committee amendment. It was in the bill as passed by the committee, but by some error in engrossing or in printing it was omitted.

The Clerk read as follows:

Page 15, after line 13, insert:

"QUAPAWS.

"For education, per third article of treaty of May 13, 1833, \$1,000; for blacksmith and assistants and tools, iron, steel for blacksmith shop, per same article and treaty, \$500; in all, \$1,500: *Provided*, That the President of the United States shall certify the same to be for the best interests of the Indians."

The amendment was agreed to.

The Clerk read as follows:

For support and civilization of the D'Wamish and other allied tribes in Washington, including pay of employees, \$4,000.

Mr. JONES of Washington. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In line 4, page 23, strike out the word "four" and insert "five;" so as to read "\$5,000."

Mr. JONES of Washington. This restores the amount to what it has been heretofore, and it is urgently requested by the superintendent.

Mr. SHERMAN. On the statement of the gentleman from Washington that he has investigated the matter and found the amount we have cut this appropriation to makes it insufficient, I have no objection to the amendment.

Mr. JONES of Washington. I have a telegram from the superintendent of the agency urging this increase strongly.

The amendment was agreed to.

The Clerk read as follows:

For support and civilization of the Northern Indians, California, \$10,000.

Mr. BELL of California. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Add a new paragraph, after line 25, page 24, to read as follows:

"For fencing division line between relinquished and diminished portions of the Round Valley Indian Reservation, Cal., \$2,500."

Mr. SHERMAN. I desire to hear some explanation of the amendment of the gentleman from California.

Mr. BELL of California. I intend to make an explanation. I would state, Mr. Chairman, that a few years ago, by act of Congress, a portion of the Round Valley Indian Reservation was relinquished and was placed upon the market for sale. Only a few of the lands were sold, and here recently—a few weeks ago—we passed an act through the House authorizing the Secretary of the Interior to resurvey and reappraise the relinquished portions and offer them for public sale. The proceeds of this sale are to go to the Indians of the Round Valley Indian Reservation, so that when we appropriate this money—\$2,500—

for the purpose of fencing the division line between the reservation as it now is and the portion that has been relinquished, that will pass to private ownership, this money will be returned to the Treasury from the sales of these outside lands.

Mr. SHERMAN. The gentleman's amendment does not provide for reimbursement to the Treasury.

Mr. BELL of California. Well, the law under which these relinquished lands are to be sold provides that their proceeds shall go to the use and benefit of these Indians, so that the moneys will come back.

Mr. SHERMAN. The gentleman might draw his amendment in such form that it would provide for reimbursement, and in that form I would not oppose it; but in the form he presents it I shall, because I do not think I want to open up this new power for disbursement for fencing reservations. If we do it in northern California, we will be called upon to do it all over the United States, and with the millions of acres included within all the Indian reservations their fencing will improve the barbed-wire trust more than I care for.

Mr. BELL of California. I will simply add the words:

Such sum to be paid out of the proceeds of sales of any portion of the relinquished lands.

Mr. SHERMAN. To be reimbursed to the Treasury out of any sums received.

Mr. BELL of California. All right—

The same to be reimbursed to the Treasury out of any money received from the sale of said relinquished lands.

Mr. SHERMAN. In that form I do not oppose it.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. SHERMAN. Mr. Chairman, let the Clerk read the amendment as it is now proposed.

The CHAIRMAN. Will the gentleman from California restate his addition to the amendment?

Mr. BELL of California. Said sum to be reimbursed to the United States Treasury out of any money received from the sale of said relinquished lands.

The Clerk read the proposed amendment, as follows:

For fencing division line between the relinquished and diminished portions of the Round Valley Indian Reservation, Cal., \$2,500, to be reimbursed to the Treasury of the United States out of any money received from the sale of the said relinquished lands.

The amendment was agreed to.

The Clerk read as follows:

For support and civilization of Yakimas, and other Indians at said agency, including pay of employees, \$8,000.

Mr. HOWELL of Utah. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Insert, after line 5, on page 26, the following: "That the Secretary of the Treasury is hereby authorized to place to the credit of Howell P. Myton the sum of \$796.14, being the amount charged against him as money paid to unlawfully enrolled members of said tribes while Indian agent Uintah and Ouray Agency, Utah, during his term of service ending March 31, 1903."

Mr. SHERMAN. I trust the gentleman will withdraw his amendment for the time being, because it really is not appropriate at this point in the bill. It should come in at some point following page 28.

Mr. HOWELL of Utah. Very well; then I withdraw it for the present.

The Clerk read as follows:

Idaho: For general incidental expenses of the Indian Service in Idaho, including traveling expenses of agents, \$500.

Mr. SHERMAN. In line 21, next to the last word, the "five" should be a "six." The addition is erroneous. I ask unanimous consent to make that correction.

The CHAIRMAN. Without objection, the change will be made.

There was no objection.

The Clerk read as follows:

Wyoming: For general incidental expenses of the Indian Service in Wyoming, including traveling expenses of agents, \$500.

Mr. HOWELL of Utah. Mr. Chairman, I now offer the amendment which I offered a moment ago.

The Clerk read the amendment, as follows:

After line 14, page 28, insert: That the Secretary of the Treasury is hereby authorized to place to the credit of Howell P. Myton the sum of \$796.14, being the amount charged against him as money paid to unlawfully enrolled members of said tribes while Indian agent, Uintah and Ouray Agency, Utah, during his term of service ending March 31, 1903.

Mr. FITZGERALD. Mr. Chairman, I reserve the point of order on that.

The CHAIRMAN. The gentleman from New York reserves the point of order.

Mr. SHERMAN. If the gentleman from Utah will permit

me, this matter was referred by the chairman of the committee to the Interior Department, where it was found that this agent had made certain payments, as other agents who had preceded him had made them, in accordance with treaty stipulations, upon the roll of Indians as he found it there. Near the end of his service as agent, as appears from the documents submitted to us, this agent apparently made a thorough investigation and made a new roll, and the making of that roll disclosed the fact that he had made certain payments erroneously, made payments to people who were not properly upon the roll, and some people whose names were on the roll were dead. It appeared that he had expended six or seven hundred dollars in the making of payments that were not justified.

The Auditor of the Department in his letter says substantially that an investigation convinces him that it is a case where the man ought to receive relief, but that there is no provision of the law by which he can be relieved by the Auditor. This provision simply is that the Auditor be authorized to pass that account as presented. It makes no appropriation whatever.

Mr. STEPHENS of Texas. I should like to ask the chairman of the committee how it was that this agent made this mistake.

Mr. SHERMAN. I had the full report of this entire transaction and I loaned it to the gentleman from Utah [Mr. HOWELL], and somehow or other the papers have become mislaid or lost.

Mr. STEPHENS of Texas. I did not remember that the matter was before the committee. It may, however, have been during my absence.

Mr. SHERMAN. It was not brought before the committee. The gentleman from Utah—or somebody in his behalf, I do not now recall which, I think somebody in his behalf—brought the papers in to me and asked me if I would forward them to the Department for report on the facts. I got back quite a full report showing the conditions to be about as I have stated.

The statement by the Auditor, which was concurred in by the Interior Department, was that it did present a case where the man ought to receive relief.

Mr. STEPHENS of Texas. What is the proposed relief?

Mr. SHERMAN. That the Auditor be authorized to credit him with this amount of six or seven hundred dollars which he improperly paid out.

Mr. STEPHENS of Texas. The gentleman thinks that will correct the trouble?

Mr. SHERMAN. Yes.

Mr. FITZGERALD. Did I understand my colleague to say that he paid some persons who are dead?

Mr. SHERMAN. Yes. As I remember it, other people impersonated the deceased individuals and obtained the money.

Mr. FITZGERALD. I think I will insist on the point of order. It seems to me it is properly a matter that should go to the Committee on Claims. I can understand how a man could make payment to persons on the roll, but I can not understand how an Indian agent, under the conditions that I know to exist on the reservation, could pay money to persons under the assumption that they were somebody else.

Mr. SHERMAN. As I remember it—the papers are not here—this man paid to the parents of children, the parents stating that the children were alive and were at home. Afterwards the preparation of a correct roll by this agent disclosed the fact that in many cases the children were dead.

Mr. FITZGERALD. Were the persons who were dead all minors?

Mr. SHERMAN. No, I think not all of them; but this is the central fact in the matter—

Mr. FITZGERALD. I understand that at the reservation when payments are made they are made to the parents of children. I think it is quite possible the agent might be misled as to whether certain children were living or not; but I am unable to see, knowing the conditions that exist when payments are made on some reservations, how the agent could be misled or deceived as to the identity of persons to whom the money was paid. I have been on some reservations during pay time, and people come in from all over the reservations—there are not many of them—the agent knows everybody personally, and he has the Indian police to assist him. It does not seem to me possible that a man should pay some one under the impression that he was a different person, except by negligence or collusion on his part.

Mr. SHERMAN. From the report that came to me from the Department I concurred in the Department's opinion that it was a proper case to afford relief, particularly in view of the fact that if this agent had followed the plan that had prevailed with the former agent, his account would have been passed and nothing said about it, but just before he left his post he corrected the roll, made a special effort to make it a perfect roll,

and that roll disclosed what otherwise would not have been disclosed, that he had made erroneous payments. Therefore, because of his special industry in preparing this new roll he is penalized to the extent of six or seven hundred dollars.

Mr. FITZGERALD. How many Indians were there on the reservation?

Mr. SHERMAN. About 2,000.

Mr. FITZGERALD. Had the agent been there long?

Mr. SHERMAN. He had been there four or five years, but it is a very large reservation. Many of these people that were to have been paid, and were paid, were located anywhere from 50 to 100 miles from the agency.

Mr. FITZGERALD. Mr. Chairman, as the item does not properly belong on the bill, I think I will insist on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from New York.

Mr. SHERMAN. Mr. Chairman, I can not maintain the proposition that the item is in order on this bill. It is legislation proposing to relieve an individual for something that is past. It has no connection with the service during the next fiscal year.

The CHAIRMAN. It seems to the Chair that it is within the jurisdiction of the Committee on Claims, and the point of order is sustained.

The Clerk read as follows:

For the completion of the work heretofore required by law to be done by the Commission to the Five Civilized Tribes, exclusive of salaries and expenses of Commissioners, \$60,000. Said appropriation to be disbursed under the direction of the Secretary of the Interior: *Provided*, That the work of completing the unfinished business, if any, of the Commission to the Five Civilized Tribes shall devolve upon the Secretary of the Interior, and that all the powers heretofore granted to the said Commission to the Five Civilized Tribes are hereby conferred upon the said Secretary on and after the 1st of July, 1905.

Mr. STEPHENS of Texas. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

At the end of line 7, page 29, insert: "and it is further provided that all restrictions upon the alienation of land of all allottees of either of the Five Civilized Tribes of Indians who do not appear upon the rolls as full-blood Indians, except minors, are, except as to homesteads, hereby removed."

Mr. SHERMAN. Mr. Chairman, I reserve the point of order. How does it happen that the gentleman did not bring this up in the committee?

Mr. STEPHENS of Texas. We had a bill pending before the committee for the same purpose.

Mr. FITZGERALD. Mr. Chairman, I will reserve a point of order against the proviso.

Mr. SHERMAN. Mr. Chairman, I think the gentleman from New York [Mr. FITZGERALD] is too late with his point of order. We have passed that provision, and an amendment has been offered to it. It had been read, and I then raised the point of order to the amendment. I submit that the gentleman from New York is too late in raising the point of order to the proviso.

Mr. FITZGERALD. Mr. Chairman, if this be a new paragraph, perhaps I am; if this other provision is new matter, I think not.

Mr. SHERMAN. We had finished the reading of the provision, and we have begun the consideration of it to the extent of having an amendment offered to it.

The CHAIRMAN. The Chair is of opinion that the gentleman's point of order comes too late. The Chair will recognize the gentleman from Texas.

Mr. STEPHENS of Texas. Mr. Chairman, in support of the amendment I desire to read a letter from Mr. Joseph D. Ralls, of Atoka, Ind. T. He is a member of the bar association of that Territory, and a splendid man in every respect. I desire to call the attention of the committee to it because I deemed it a matter of great importance. I alluded to the subject a few moments ago when I addressed the House. The letter is as follows:

JOHN H. STEPHENS,
Care Fredonia, Washington, D. C.

DEAR SIR: In following my profession I am called upon to draw contracts and deeds, and I have a chance to observe the class of people that make the contracts and the consideration received. Prior to the act of Congress that removed the restrictions upon the surplus land of intermarried citizens they could not get more than the Indian for their surplus lands, but both were selling their land and they were getting on an average of \$520 for their surplus land.

As soon as the act passed removing the restrictions the intermarried citizen at once began to sell for from \$1,250 to \$2,000, while the Indian continues to sell for \$520. Not being able to give a clear title, he is tied up with leases and all kinds of contracts so that he never will receive more than the appraised value of the land unless Congress passes an act removing restrictions upon the sale of his land. Keeping restrictions upon the sale of the Indian land is a detriment to the Indian. In the Choctaw and Chickasaw nations the Indians have all the way from 160 acres up to 4,000. They will never cultivate a fourth part

of their land, and it is only valuable to them for the purpose of selling or leasing it. Their land is not in cultivation and they have no means of putting it in cultivation, and if they have to depend on tenants to put it in cultivation they will have to let the tenants dictate the terms, and it is safe to say that the terms would be such that the land would be of no value to the Indian. If they sell their surplus land in the present condition the purchaser will not pay more than the appraised value for it on account of the questionable title he would get, and if the restrictions are removed the surplus land can be sold at from \$1,000 to \$2,000, the price depending entirely, of course, on the location and richness of the soil.

The law should be such that the Indian could sell and make his deed just like any other person and without any restrictions, approval, etc. That provision would bring to this country people who want to buy homes and it would cause a great deal of competition, but if these sales have to be made subject to the approval of the Secretary of the Interior or any other person or under set rules and regulations, it will result in the "grafters" getting hold of the land for a much less price than it would bring otherwise. The idea of having the payments made in monthly installments is the most ridiculous thing that has been suggested. Let the Indian get his money in a lump and it will enable him to buy teams and wagons, build houses, and clear his homestead lands.

Very respectfully,

J. G. RALLS.

During the reading of the foregoing letter the time of the gentleman from Texas expired. He asked unanimous consent to proceed for five minutes.

Mr. SHERMAN. Mr. Chairman, I think I can expedite matters. From what the gentleman from Texas [Mr. STEPHENS] has said his proposition commends itself to me, but I am sorry he did not bring it in before the full committee for consideration. As I understand the proposition now, it is to apply only to Indians other than full bloods.

Mr. STEPHENS of Texas. Yes; that is right.

Mr. SHERMAN. That is, the right to sell their allotments.

Mr. STEPHENS of Texas. Outside of the homesteads.

Mr. SHERMAN. Outside of the homesteads, without application to and approval by the Department.

Mr. STEPHENS of Texas. That is correct.

Mr. SHERMAN. Mr. Chairman, I withdraw the point of order.

Mr. STEPHENS of Texas. I thank the gentleman.

The CHAIRMAN. The point of order is withdrawn. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

To enable the President to cause, under the provisions of the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians," such Indian reservations as in his judgment are advantageous for agriculture and grazing purposes to be surveyed or reserved, for the purposes of said act, and to complete the allotment of the same, including the necessary clerical work incident thereto in the field and in the Office of Indian Affairs, and delivery of trust patents, so far as allotments shall have been selected under said act, \$40,000: *Provided*, That all of the mineral lands situated within the boundaries of the Indian reservations in the United States and Territories (the Indian Territory excepted) be, and the same are hereby, declared to be open for, and shall hereafter be subject to, location, development, operation, and entry by citizens of the United States in the same manner and under the same rules as other mineral lands of the United States are now subject to location, development, operation, and entry: *Provided*, That this act shall apply only to reservations where it may be enforced without infringing upon the vested rights of any Indian tribe or individual Indians. The President shall, by proclamation, designate the reservations or parts of reservations to which the act may properly apply, and said act shall be in force as to said reservations or parts of reservations from and after the dates of such proclamations. The Secretary of the Interior shall, when practicable, secure from Indian tribes possessing vested rights in reservations which contain valuable mineral lands a relinquishment of such rights so far as they apply to said mineral lands, such relinquishment to be by agreement subject to ratification by Congress, and the provisions of this act shall be extended to such lands by proclamation of the President.

Mr. FITZGERALD. Mr. Chairman, I made the point of order against all that part of this paragraph commencing with the word "*Provided*," in line 18, on page 29, down to the end. It is clearly new legislation.

Mr. STEPHENS of Texas. Mr. Chairman, I hope the gentleman will withdraw his point of order. It is a matter of great interest. I understand this is a matter that we have been discussing, is it not?

Mr. FITZGERALD. Mr. Chairman, I wish to say this in this connection. This contemplates a most sweeping change in the policy heretofore followed regarding Indian reservations. Here is a suggestion that has never been considered by the committee, has never been reported upon by the Department, and I am unwilling, with my views regarding the provision, to permit it to be enacted into law in this way at this time, and unless the gentleman wishes to discuss it, I will insist upon the point of order.

Mr. STEPHENS of Texas. Does the gentleman from New York [Mr. SHERMAN] wish to discuss the matter?

Mr. SHERMAN. No.

The CHAIRMAN. Does the gentleman from Texas desire to be heard on the point of order?

Mr. STEPHENS of Texas. No; I think it is subject to the point of order. I had hoped that the gentleman from New

York, after the discussion of the matter and being unable to suggest anything better, would not make the point of order. It is almost impossible to secure legislation at this short term of Congress, and we are appropriating here agricultural lands and grazing lands on these Indian reservations, and why not let it extend to the mineral lands? It is new legislation because it extends the mining laws of the United States over the mineral lands in these reservations. That is new legislation, and I would not contend to the contrary; but I had hoped the gentleman would not make his point of order.

The CHAIRMAN. Does the gentleman from New York insist upon his point of order?

Mr. FITZGERALD. I am compelled to, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

To maintain at the city of St. Louis, Mo., in the discretion of the Secretary of the Interior, a warehouse for the receipt, storage, and shipping of goods for the Indian service, \$7,000.

Mr. BARTHOLDT. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 20, page 31, after the word "service," strike out "\$7,000" and insert "\$10,000."

Mr. BARTHOLDT. This merely restores what was previously appropriated and estimated, and the superintendent of the warehouse says he must have \$10,000 in order to do the business for the coming year.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

For the equipment and maintenance of the asylum for insane Indians at Canton, S. Dak., for incidental and all other expenses necessary for its proper conduct and management, including pay of employees, and for necessary expense of transporting insane Indians to and from said asylum, \$25,000.

Mr. ZENOR. Mr. Chairman, I desire to ask the chairman of the committee a question in regard to this paragraph of the bill.

The CHAIRMAN. The gentleman from Indiana moves to strike out the last word.

Mr. ZENOR. It provides for maintaining an asylum in South Dakota.

Mr. SHERMAN. Yes.

Mr. ZENOR. How many patients are there to be accommodated at this particular institution?

Mr. SHERMAN. I think there are twenty-eight patients now maintained there.

Mr. ZENOR. About what is the average number during a year?

Mr. SHERMAN. That is the highest number that they have had at one time. This is the second fiscal year within which insane patients have been cared for at that point and the hospital is not yet entirely equipped, so that a portion of the \$25,000 will be used toward completing the equipment.

Mr. ZENOR. Are the accommodations of this institution confined alone to the Indians of South Dakota or is it open to them from all points?

Mr. SHERMAN. I did not understand the question.

Mr. ZENOR. I say are the accommodations of this institution confined alone to the Indians of South Dakota?

Mr. SHERMAN. No, sir; to Indians of the United States anywhere, certainly.

Mr. ZENOR. The appropriation carried for this particular purpose for the year ending June 30, 1903, was \$25,000, was it not?

Mr. SHERMAN. Yes, sir.

Mr. ZENOR. And this is the same amount?

Mr. SHERMAN. Yes, sir.

Mr. ZENOR. What is the estimate, will the Chair inform me?

Mr. SHERMAN. The estimate is the same and the amount is in accordance with the estimate.

Mr. ZENOR. Do you think this is a reasonable sum for the purposes contemplated by this appropriation? It occurs to me it was a little excessive, in view of the fact that two years ago there had been an appropriation of \$25,000, especially when that institution does not accommodate more than about twenty-eight patients.

Mr. SHERMAN. It would be extremely excessive, in my judgment, were it to be used for the support of patients; but my information is that a large part, substantially a greater part of the appropriation of two years ago, was used for equipment, and some portion of last year's appropriation and some of this appropriation must be used for equipment to complete it.

My idea would be that unless the number of patients materially increased over the present when the equipment is completed it ought not be necessary to make a very large appropriation to support the patients. In other words, it ought not to require an average per capita of more than \$800 or \$900, not much more than half of that, to support the patients.

Mr. ZENOR. I am obliged to the gentleman. I was not familiar with the fact that the equipment had not been completed, and it occurred to me in view of the fact that if it was entirely complete it was a very large appropriation at this time.

Mr. SHERMAN. The gentleman is right upon that point.

Mr. ROBINSON of Indiana. Mr. Chairman, I would like to ask the gentleman how much per capita it is costing to sustain these insane Indians at this asylum? Can he give the amount?

Mr. SHERMAN. I can not tell the gentleman, because I have not an analysis or an itemized statement of the expenditures of last year, but some portion of last year's appropriation was spent for equipment. It is true, of course, that the per capita for maintaining these thirty-five patients is vastly greater than it is in my State, and I have no doubt very much greater than it is in the gentleman's State. Of course, the expectation was that this asylum would have and care for two or three times the number of insane patients who are there now. Of course, when that point arrives, when that condition exists, the per capita, I expect, will be very greatly reduced.

Mr. ROBINSON of Indiana. But has not experience taught that there are not sufficient insane Indians to reduce the per capita per annum to less than about a thousand dollars, as it seems to be now?

Mr. SHERMAN. Oh, no.

Mr. ROBINSON of Indiana. Will the gentleman from New York [Mr. SHERMAN] tell how much of this general appropriation goes to the support, per capita, of the Indians?

Mr. SHERMAN. I would say to the gentleman from Indiana [Mr. ROBINSON] that when the asylum was created in the first place I opposed the item as best I knew how. It was inserted in the Senate, and it was not finally agreed to until one of the Senate conferees suggested that we would have no Indian appropriation bill if this matter was not provided for and if that item was not agreed to. Under those trying conditions we agreed to it.

Mr. ROBINSON of Indiana. I compliment the gentleman's judgment.

Mr. SHERMAN. In my opinion the Government will save money, and will continue to do so if the Indian insane are cared for at other hospitals than the one maintained by the Government for that express purpose.

Mr. ROBINSON of Indiana. I want to suggest to the gentleman that the St. Elizabeth Asylum across the river here is able to support its own inmates on something like \$200 a year, and in my own State they are supported on something like \$175 a year.

Mr. SHERMAN. I hardly see how any State can support insane people at the rate per capita of \$175 a year.

Mr. ROBINSON of Indiana. They do it in my State for \$175 per capita, and it is only a little over \$200 at St. Elizabeth's. Does the gentleman propose to continue an institution where it costs perhaps from \$500 to \$800, although this institution was established contrary to the judgment of the gentleman from New York [Mr. SHERMAN]? I think it is about time for the committee to let us know as to the amount per capita this institution is costing the Government, because surely some better and cheaper means could be afforded than paying from \$500 to \$800 per capita for the support of insane Indians, few in number as they are.

The CHAIRMAN. The pro forma amendment of the gentleman from Indiana [Mr. ZENOR] is withdrawn.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment, which I will ask the Clerk to read.

The Clerk read as follows:

In line 13 strike out the word "equipment," and in line 18 strike out the word "twenty-five" and insert "fifteen;" so as to read "fifteen thousand dollars."

Mr. FITZGERALD. Mr. Chairman, I offer the amendment for this reason: I have been under the impression for the last year or two that under the language of this provision the capacity of the institution has been gradually increased, and that it will soon, if not now, be equipped for the care of patients they will never have.

If I be not mistaken, even now the insane Indians in the Indian Territory can be sent to this institution. There are about 260,000 Indians in the United States, and yet it has been possible to gather from all of those Indians only about twenty-eight insane Indians each year, which is the excuse offered for maintaining this institution. I submit that now, inasmuch as

the spirit of economy is hovering over the Congress, and there is a desire to save wherever possible, that this is a very good place on which to put the finger of economy by eliminating this provision for equipment. The institution must now be adequately equipped for the twenty-eight insane patients which are maintained there, and the appropriation can easily be reduced \$10,000 without harm to the efficiency of the asylum.

Mr. BURKE. I hope the amendment of the gentleman from New York [Mr. FITZGERALD] will not prevail. This institution, as the chairman of the committee stated, is in somewhat of an experimental state, and out of the appropriation made last year somewhere near \$8,000, as I remember it, was expended in permanent improvement and in completing the property. The report of the Commissioner of Indian Affairs, which the chairman has in his possession here, shows the attendance on December 13 to have been 21 males and 14 females, making a total of 35. I had a letter yesterday from the superintendent of this institution. He tells me that recently the Indian Office has given to him authority to send for Indians to the different reservations where he is informed there are insane Indians; and that he now has applications for some twelve or fourteen of such Indians and that they will be placed within this institution in a very short time. And I think the appropriation should not be reduced from what it has been heretofore.

Mr. ROBINSON of Indiana. Can the gentleman from South Dakota [Mr. BURKE] give us the per capita cost of the institution for any year?

Mr. BURKE. It is somewhere from \$400 to \$500. I do not remember exactly.

Mr. ROBINSON of Indiana. I want to suggest to the gentleman very briefly that the cost per capita at St. Elizabeth's is \$220; in California, \$150; in Indiana, \$150, and in Massachusetts, \$175. So that it is very evident it is costing a very large amount per capita to support these insane Indian people in South Dakota.

Mr. BURKE. I will ask the gentleman what the per capita spent in St. Elizabeth's was in the first year of its existence or the first two years?

Mr. ROBINSON of Indiana. The institution that the gentleman speaks of, according to all the reports and figures, fairly shows a cost of \$730 per capita, and it does not increase or diminish by time.

Mr. SHERMAN. Just a moment. The amount expended for perfecting the improvements and equipments in the fiscal year last past, which concluded the 30th day of June last past, was \$7,340. There were 23 patients then. At the present time there are 35. There has been expended under the current appropriation bill \$20,000 in equipments; the expense of maintenance, including the salaries, etc., \$17,120. That amount for 35 patients would make the per capita a little less than \$500, provided the total number of patients had been maintained the whole year, which they were not. Of course, while the number of patients is so small the per capita must be very much larger. There must be the superintendent, there must be a competent physician or physicians, there must be nurses, who could care as well for 75 as they can for 35. For subsistence there was expended \$1,530. If that is doubled or even trebled, that item for the maintenance of 75 insane Indian patients, the gentleman from Indiana will at once see the per capita is very greatly reduced.

My own judgment is that the institution will never have a sufficient number of patients to make the per capita as low as it is at St. Elizabeth's or in Indiana or in New York. Now, in New York, although there are more insane in our institutions than in Indiana, we do not have as low a figure as they do in Indiana. The figures the gentleman gives for his State are low. They do remarkably well there. We have entered upon that policy; we have the asylum there, we have spent a large amount of money in the partial equipment of it, and I think we ought either to continue to maintain the insane there or else abandon the whole proposition entirely. I do not believe in reducing this appropriation, as suggested by my colleague from New York. Do one of two things, "fish or cut bait;" either care for the insane there, as we started out to do, or strike out the appropriation and abandon the "whole shooting match."

Mr. ROBINSON of Indiana. Mr. Chairman, I want to suggest to the gentleman from New York that we have insane patients from the Indian Territory at St. Elizabeth's larger in number than the Dakota asylum has, and maintain them there; and the gentleman knows, perhaps, as I do, it would be a saving to support these from Dakota at St. Elizabeth's instead of maintaining this institution and continue to build it up at great expense.

Mr. FITZGERALD. Mr. Chairman, I agree with my col-

league that this entire item should be stricken out. I do not think that this committee will strike it out. I wish to do the next best thing, to start cutting the appropriation down, so that perhaps in the near future the item may be eliminated. There is absolutely no excuse, in my opinion, for maintaining an insane asylum for Indians exclusively. The policy of the Government has been as much as possible to break up or to do away with the conditions that make possible the isolation of the Indians from the whites of the country. It is reverting to an old discarded practice to segregate the Indians.

I wish to call to the attention of the chairman of the committee what I believe will happen in a few years after keeping this institution going. The Commissioner of Indian Affairs in a recent address pointed out the way in which students are obtained for nonreservation schools; and I believe that he is drawing almost a true picture of what will happen when it shall be necessary to keep this institution filled with insane patients. Speaking of the children that go to nonreservation schools, he said:

How do they get there? Do their parents bring them there and ask that they be received? No! Do they even pay the expense of getting them there? No! Then how do they get there? Why, they are captured on the reservations, by bribery, by force, by coaxing, by threats, and dragged there; without preparation, without regard to fitness, without previous training, without regard to their worldly condition, solely because they have Indian blood in their veins, sometimes a mere suspicion, and will count in making up the quota of the school.

I believe that precisely as this condition exists with regard to the method by which pupils are secured for the nonreservation schools it will become a necessity in order to secure patients for this insane asylum.

I believe, Mr. Chairman, that if the members of the Committee on Indian Affairs were free from some influences that are in the very air of this Capitol they would unanimously vote to strike out this item. I wish to assist them to accomplish what I believe to be their desire.

Mr. ZENOR. Will the gentleman allow me to ask him a question?

The CHAIRMAN. Does the gentleman from New York yield?

Mr. FITZGERALD. Yes.

Mr. ZENOR. Does my colleague believe that the policy ought to be maintained of supporting this institution exclusively for the Indians in a State where all of the Indians are citizens? Does he believe that discrimination ought to be made?

Mr. FITZGERALD. Mr. Chairman, I believe it is a vicious policy to maintain an institution exclusively for insane Indians at any place, or to maintain a hospital exclusively for Indians. I believe we are getting to that point where it will soon be conceded to be a mistake to maintain schools exclusively for Indians. The result of what is being done in the Indian Territory demonstrates that the best thing that can be done for the Indians is wherever possible to put them as closely into contact with the whites as possible.

This amendment only cuts down the appropriation \$10,000. It will prevent the doing of new work under this appropriation, and by the next session of Congress the committee will be able to make some suitable use of this institution.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question being taken, the Chairman announced that the yeas appeared to have it.

Mr. FITZGERALD demanded a division.

The committee divided; and there were—ayes 13, noes 33.

Accordingly, the amendment was rejected.

The Clerk read as follows:

For pay of one special attorney for the Pueblo Indians of New Mexico, \$1,500, and for necessary traveling and incidental expenses of said attorney for the Pueblo Indians of New Mexico, \$500; in all \$2,000.

Mr. CURTIS. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Page 32, line 23, after the word "dollars," insert "That all actions against Indians or their property whose affairs are under the supervision of Indian agents or bonded superintendents shall be brought in the district court of the county in which the Indian resides."

Mr. ROBINSON of Indiana. I reserve the point of order, pending an explanation.

The CHAIRMAN. The gentleman from Indiana reserves the point of order.

Mr. CURTIS. The amendment is offered at the request of the assistant United States attorney for Oklahoma. It seems that they follow the practice in that Territory of catching Indians away from their reservations and suing them in courts away from the agency, and in that way getting judgments against them sometimes in cases they would not be able to if

the Indians were given a fair trial or had the opportunity of advising with their agent or superintendent or had the service of an interpreter, which they would have if sued in the county in which they live. This amendment simply requires that hereafter any Indian who is sued shall be sued in the county in which he resides. That will give the agent a fair opportunity to look after the Indians' interests.

Mr. ROBINSON of Indiana. I do not desire to press the point of order.

The CHAIRMAN. The point of order is withdrawn by the gentleman from Indiana.

Mr. ZENOR. I wish to inquire of the gentleman from Kansas whether he means to apply this where an offense is committed by the Indian outside of the jurisdiction?

Mr. CURTIS. It does not apply to criminal offenses at all. Where an offense is committed outside the reservation the Indian would be liable to arrest in the county in which the crime was committed. This is simply for actions of a civil nature.

Mr. ZENOR. It applies simply to civil cases?

Mr. CURTIS. To civil cases. I desire to have printed the letter which I send to the Clerk's desk.

The CHAIRMAN. The gentleman asks unanimous consent that the letter which he sends to the Clerk's desk may be printed as a part of his remarks. Is there objection?

There was no objection.

The letter is as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF THE UNITED STATES ATTORNEY,
DISTRICT OF OKLAHOMA,
Anadarko, Okla., February 6, 1903.

Col. JAMES F. RANDLETT,
Lieutenant-Colonel, United States Army,
United States Indian Agent, Anadarko, Okla.

DEAR SIR: It would very materially help in the protection of the property of the Indians if the following paragraph could be tacked to the Indian appropriation bill and made a law, to wit:

"All actions against Indians or their property whose affairs are under the supervision of Indian agents or bonded superintendents shall be brought in the district court of the county in which the Indian resides." This suggestion is made for the reason that suits are being brought in remote townships against Indians, and when service is made upon them they fail to realize its meaning and let judgment be taken against them and the right of appeal pass without any steps being taken to protect their rights. If these actions could be forced into the district court in the first instance they could be watched very easily.

It is also found that a few irresponsible justices of the peace will issue replevin writs on bonds furnished by parties who are worthless, and the Indian has to suffer when the party, as soon as he obtains possession of the property, sells it. The money judgment for the Indian is worth nothing.

In actions to enforce liens for damage to crops by Indian stock the Indian is usually not notified, but his stock is sold for enormously inflated damages, and by parties from whom he has no redress except a valueless money judgment.

The provision for "suits brought by Indians" is purposely omitted from said paragraph for the reason that the rules of the district court require a deposit of \$15 or \$5 and a bond as security for costs before suits are filed. The Indians are poor and are unable to comply with this provision. Suits can be brought in justice courts by them with much less expense, and they are, of course, able to obtain a fair trial before some of our justices of the peace.

If you approve of this, I would be pleased to have you take up same with the Department for action.

Respectfully,

LOUIE E. MCKNIGHT,
Assistant United States Attorney.

A true copy.

JAMES F. RANDLETT,
Colonel, U. S. Army, U. S. Indian Agent.

The amendment was agreed to.

The Clerk read as follows:

To enable the Secretary of the Interior to reimburse, as heretofore approved by him, to Axel Jacobson the sum of \$243 actually expended by him in feeding, clothing, and caring for twenty-five Indian pupils at the Indian school, Wittemberg, Wis., from July 1 to August 24, 1895.

Mr. CURTIS. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

On page 33, line 5, insert: "That the following named allottees of lands in the Quapaw Agency, Ind. T., are authorized, upon approval of the Secretary of the Interior, to alienate certain portions of their allotments therein described, as follows: Henry Hicks, lot No. 3, containing 3 acres, more or less, and Philip R. Dawson, lot No. 4, containing 28 acres, all in section 30, township 27 north of range 24 east."

Mr. CURTIS. I offer this, Mr. Chairman, at the request of my colleague, Mr. CAMPBELL, who could not be present this afternoon. We put in the provision that the parties shall not sell their lands except upon approval of the Secretary of the Interior. That provision is inserted because the amendment has not been submitted to the Secretary of the Interior.

The question was taken, and the amendment was agreed to.

Mr. OVERSTREET. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert, after line 21, page 33, the following: "That the Secretary of the Interior be, and he is hereby, authorized and directed to set apart a tract of land, not exceeding 120 acres in extent, immediately

adjacent to the land now owned by the Keller and Indiana Consolidated Smelting Company, in the south half of the Colville Indian Reservation, in the State of Washington, suitable in its location for a town site; and that he cause the same to be conveyed to such person as may be designated by such company to receive title thereto upon payment by said company of such price as may be fixed by him."

Mr. STEPHENS of Texas. Mr. Chairman, I reserve a point of order on that.

Mr. OVERSTREET. Mr. Chairman, a law was enacted at the last session of Congress granting to this company named in this amendment the right to enter upon the south half of the reservation for the purpose of constructing a smelter and flume. The work has been entered upon under the authority of that law, the buildings are in process of construction, and materials for the completion are on the reservation. The attention of the Department has been called by the company to the fact that there is not room enough upon the land which has been set apart and sold, for which the cash has been paid, to enable them to properly care for the employees of the smelting company. It is far distant from any other community, and the suggestion in a letter from the Acting Commissioner of Indian Affairs is made that legislation be asked for granting under the ordinary practice the privilege of establishing a town site, a sale by the Government, and a purchase by this company of the grant at such price as the Department may fix. I ask to have printed in the Record a letter from the Acting Commissioner.

The CHAIRMAN. Without objection, the letter will be printed in the Record.

There was no objection.

The letter is as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, September 23, 1904.

R. L. BOYLE, Esq.,
President Keller and Indiana Consolidated Smelter Co.,
Indianapolis, Ind.

SIR: This office is in receipt of your communication dated September 10, 1904, referring to the report of Special Indian Agent S. L. Taggart, wherein it was stated that it appeared desirable for your company to have in the near future a regularly laid out and properly organized and governed town, and that you, as president of said company, desired to be informed at as early a date as possible as to the necessary requirements and proceedings to enable the company to carry such desire into proper and lawful effect.

Replying thereto, you are advised that there is no existing law under which your company could acquire from the lands in the Colville Indian Reservation a town site. It is suggested that the best plan for you to pursue would be to secure the necessary Congressional legislation authorizing the setting aside of a town site on the Colville Indian Reservation or authorizing the sale of the desired quantity of land on said reservation.

Very respectfully, A. C. TONNER, Acting Commissioner.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to ask the gentleman if this money is to be paid to the Indians?

Mr. OVERSTREET. Under such restrictions as the Secretary of the Interior may name, and at such a price as he may fix.

Mr. FITZGERALD. But the amendment does not provide that this money shall be placed to the credit of the Indians.

Mr. OVERSTREET. The amendment was drawn under the advice of the Department. It was not drawn by myself; I merely asked that it be drawn to cover the case. I have no objection to the insertion of any language which would require the payment of the money that may be obtained to the Indians.

Mr. FITZGERALD. I hope the gentleman will put the language "to be paid to the Indians" in for this reason, that a bill has been offered here in which it is assumed that these Indians have no title to the reservation.

Mr. SHERMAN. Mr. Chairman, I ask that the amendment may be again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk again read the amendment.

Mr. SHERMAN. The suggestion is that the money be deposited in the Treasury of the United States to the credit of the Colville Indians.

Mr. OVERSTREET. I ask that the amendment be amended in accordance with the suggestion of the gentleman from New York.

Mr. SHERMAN. I move to amend by adding to the amendment the words "That the money received therefrom shall be deposited in the Treasury of the United States to the credit of the Colville Indians."

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

The question was taken, and the amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on agreeing to the amendment as amended.

Mr. OVERSTREET. I assume, Mr. Chairman, that the point of order has been withdrawn.

Mr. STEPHENS of Texas. I only reserved the point of order. I made no point of order, for I knew nothing about the matter.

The amendment as amended was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

That the President be, and he is hereby, authorized to issue a fee-simple patent to Henry Guitar, an Omaha Indian, for lands heretofore allotted to him in Nebraska, to wit, the northeast quarter of the southwest quarter, and lot 4, section 15, township 25 north, range 6 east, of the sixth principal meridian, Nebraska, and all restrictions as to the sale, incumbrance, or taxation of said lands are hereby removed.

Mr. STEPHENS of Texas. Mr. Chairman, I should like to inquire about the first part of this paragraph. It reads that "the President be, and he is hereby, authorized to issue a fee-simple patent to Henry Guitar, an Omaha Indian, for lands heretofore allotted to him in Nebraska, to wit," and then follows a description of the land. I desire to ask whether or not there is any litigation in regard to that land? If so, there might be some trouble with the matter.

Mr. SHERMAN. Mr. Chairman, the amendment comes up through the Interior Department, from the Indian Office, recommended to us. They say:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., January 4, 1905.

The Honorable the SECRETARY OF THE INTERIOR.

SIR: This office is in receipt of a communication from Hon. J. J. McCarthy, dated December 23, 1904, in which he transmits a request for a patent in fee simple for the allotment and the payment of the share of the trust funds due Henry Guitar, an Omaha Indian.

Mr. Guitar states that he is a graduate of the Carlisle Indian School; that since he left school he has earned good wages working for farmers and thrashing among both whites and Indians; that he is practically a white man, as his father was a half-breed, and they always spoke English in his family; but he desires that his allotment of land be patented to him in fee simple, so that he can lease it and get the benefit therefrom without remaining upon the reservation, as he can do better work among the white people and away from the reservation, where he can earn and keep something, which is impossible upon the reservation.

Superintendent Mackey recommends that he be granted a patent in fee simple for his allotment and paid his share of the trust funds due the tribe.

The act of April 21, 1904 (33 Stats., 189), authorizes and directs the Secretary of the Interior to pay per capita to certain Indian tribes, including the Omaha tribe, all the funds to their credit in the United States Treasury, or such part of such funds as he may deem necessary for their best interests, and any other funds that may thereafter be received to their credit.

No further authority of law is therefore necessary for payment to Mr. Guitar of his share of the trust funds due the Omaha tribe.

I have prepared the draft of an item authorizing the issuance of a fee-simple patent to Henry Guitar, and have the honor to recommend that it be transmitted to the Committee on Indian Affairs of the House of Representatives with the recommendation that it be inserted in the Indian appropriation bill.

Very respectfully,

C. F. LARRABEE,
Acting Commissioner.

Mr. STEPHENS of Texas. That is a sufficient answer. There seems to be no litigation regarding the matter.

Mr. SHERMAN. No.

Mr. STEPHENS of Texas. I have been importuned a few times by letter to correct litigation by one side or the other. I do not think that should be done. I think that when they are in the courts they ought to abide by the decision of the court.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee to Susan E. Hines, a member of the Sisseton and Wahpeton tribe of Indians, for the land heretofore allotted to her in Roberts County, in the State of South Dakota, and all restrictions as to sale, incumbrance, or taxation of said land is hereby removed.

Mr. JONES of Washington. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert after line 12, page 34: "That the Secretary of the Interior be, and hereby is, authorized and directed to issue a patent in fee to Long Jim for the lands heretofore allotted to him by the Secretary of the Interior on April 11, 1894, as modified and changed by Department order of April 20, 1894, under and by virtue of the agreement concluded July 7, 1883, by and between the Secretary of the Interior and the Commissioner of Indian Affairs and Chief Moses and other Indians of the Columbia and Colville reservations, commonly known as the "Moses agreement," accepted, ratified, and confirmed by the act of Congress approved July 4, 1884 (23 Stats., pp. 79 and 80), and under the decision of the General Land Office of July 9, 1892, affirmed by the Department of the Interior January 6, 1893, to wit, the northeast quarter northeast quarter of the southeast quarter and lot 1 of section 11, the northwest quarter and southwest quarter of the southwest quarter of section 12, lot 1 of section 14, and lots 1 and 2 of section 13, township 27 north, range 22 east, Willamette meridian, Washington, free of all restrictions as to sale, incumbrance, or taxation."

Mr. JONES of Washington. Mr. Chairman, I will say that this has been through the Department in a letter submitted to

the committee, and the bill in which it was involved has been referred to a subcommittee of the Indian Committee, which is prepared to report but has not as yet had the time. I submitted the matter to the chairman of the Indian Committee, the gentleman from New York [Mr. SHERMAN], who is entirely satisfied with it.

Mr. STEPHENS of Texas. From reading the amendment, I see it states that the Secretary of the Interior shall have the right to patent to Long Jim this land. Is not that rather a novelty?

Mr. JONES of Washington. The provision just preceding this in the bill provides for that very same thing.

Mr. STEPHENS of Texas. It escaped my attention. I think it is something new.

Mr. JONES of Washington. Some of them seem to provide that the Secretary shall do it and some that the President shall do it. The Secretary does it in any event anyway.

Mr. STEPHENS of Texas. I understand; but it would have to be signed by the President.

Mr. JONES of Washington. I understand it would be signed by the President without the bill expressly requiring it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Washington.

The amendment was agreed to.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee simple to William Lyons, a Chippewa Indian, for the lands heretofore allotted to him on the Fond du Lac Reservation, in the State of Minnesota, to wit, the southeast quarter of the southwest quarter and the southwest quarter of the southeast quarter of section 21, township 49 north, range 17 west of the fourth principal meridian, and all restrictions as to sale, incumbrance, or taxation of said lands are hereby removed.

Mr. SHERMAN. Mr. Chairman, by direction of the committee, I offer the following amendment.

The Clerk read as follows:

That hereafter the Secretary of the Interior be, and he is hereby, authorized to issue a patent in fee simple to any adult mixed-blood Indian to whom a trust or other patent has been issued, containing restrictions upon alienation, and upon the issuance of such patent in fee simple all restrictions as to sale, incumbrance, or taxation of the land so patented are hereby removed: *Provided*, That such patent shall not be issued until after the said Secretary has carefully considered the application and is fully satisfied that the applicant is competent to transact his own business, and that it will be for his best interest to have the patent issued.

Mr. SHERMAN. Mr. Chairman, the object of this amendment is to cover just such cases as we have had included in the bill, separate in the two pages last read.

We include in the bill none of these items until they have been at the Department and have been passed upon by the Department, but then the committee has never refused to incorporate in the bill a provision granting a patent to a mixed-blood Indian when the Department reported in favor of it. Now, this provides simply that where those same conditions exist the Secretary is authorized generally to issue a patent rather than come to Congress in each individual case and ask to incorporate it in the bill.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee simple to Williams Lyons, a Chippewa Indian, for the lands heretofore allotted to him on the Fond du Lac Reservation, in the State of Minnesota, to wit: The southeast quarter of the southwest quarter and the southwest quarter of the southeast quarter of section 21, township 49 north, range 17 west of the fourth principal meridian, and all restrictions as to sale, incumbrance, or taxation of said lands are hereby removed.

Mr. KINKAID. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Nebraska offers the amendment which the Clerk will report.

The Clerk read as follows:

On page 35, in line 16, after the word "removed," insert: "That the President be, and he is hereby, authorized and directed to issue a patent in fee to Theresa Anderson, allottee, of allotment of the lands of the Ponca Indian Reservation in Boyd County, Nebr., numbered 12, being the southeast quarter and the north one-half of the southwest quarter, and the south one-half of the northwest quarter of section 8, in township 33 north of range 11 west of the sixth principal meridian, in the county of Boyd, in the State of Nebraska; and all restrictions as to the sale, incumbrance, or taxation of said lands are hereby removed."

Mr. SHERMAN. Has that been reported from the Department favorably?

Mr. KINKAID. Yes; and indorsed by the Committee on Indian Affairs and passed by this House last session and is pending in the Senate, and I offer this to save the necessity of making a slight amendment over in the Senate.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

That the unexpended balance of the funds arising from the judgment of the Court of Claims of November 22, 1898, in favor of the New York Indians, for which an appropriation was made in the deficiency act of February 9, 1900 (31 Stat., p. 27), shall be divided in proportion to the number of Indians of each tribe or band entitled to share in said judgment, as set forth in schedule A to the treaty of Buffalo Creek of January 15, 1838, and in the judgment of the Court of Claims, and the Secretary of the Treasury shall carry upon the books of the Treasury the share to which each of the tribes or bands is entitled, separate and distinct from each other, and the amount so set aside for each such band or tribe shall belong to and be paid out only to those members of such tribes or bands as shall be found to be entitled to the same by the Secretary of the Interior. That the shares of all minors shall remain in the Treasury of the United States to the credit of the separate tribe or band to which they belong, and shall draw interest at the rate of 3½ per cent per annum until said minors arrive at the age of 21 years, when the principal and interest due each shall be paid to them. That the shares due incompetents shall be paid under the direction of the Secretary of the Interior to the legal guardians of such incompetents and be expended by them for their care and support under the laws of the State or Territory in which they reside. That the amount found due each person enrolled, who has died since the enrollment, shall be paid to his or her heirs under the laws of the State or Territory in which such person resided at his or her death; and the shares of deceased minors shall be paid to their parents, if living, or, if dead, to the next of kin.

Mr. FITZGERALD. Mr. Chairman, I wish to ask the chairman of the committee if under this provision of law the moneys obtained for the so-called "Kansas State" will be distributed now?

Mr. SHERMAN. Yes; it relates to the distribution of the \$2,000,000 New York judgment.

Mr. FITZGERALD. What I wished to know was if they are now ready to distribute that fund?

Mr. SHERMAN. Yes, sir; they are now ready.

The Clerk read as follows:

That the lands now held by the various villages or pueblos of Pueblo Indians, or by individual members thereof, in the Territory of New Mexico, and all personal property furnished said Indians by the United States, or used in cultivating said lands, and any cattle and sheep now possessed or that may hereafter be acquired by said Indians shall be free and exempt from taxation of any sort whatsoever, including taxes heretofore levied, if any, until Congress shall otherwise provide.

Mr. RODEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New Mexico offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Insert after the word "thereof," line 12, page 37, the following: "within Pueblo reservations or lands."

Mr. RODEY. In explanation of that amendment I would like to state that recently in New Mexico the Pueblo Indians by the supreme court of the Territory were held to be citizens of the United States and subject to taxation. They have never been taxed in the Territory, and therefore they have secured the insertion of that paragraph by the committee with a view to preventing their being taxed in the future. There is really no desire to tax them in the Territory, but the language of the section by which it is sought to perform that act will, if left in the way it is, result in individual members who have come out in the community and intermarried with others living away from the reservation being exempt from taxation also, and I do not think the committee intends that, and it would mix up our tax laws and tax collections. It will be safe, because all the committee, I think, intends is to exempt from taxation the Pueblo Indians living on Pueblo lands and reservations; and with the additional language that I have suggested that end will be accomplished, and I ask the committee to agree to it.

Mr. SHERMAN. If that is all it does, Mr. Chairman, I have no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New Mexico.

The question was taken, and the amendment was agreed to.

Mr. SHERMAN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to; and accordingly the committee rose, and the Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration of the bill H. R. 17474, the Indian appropriation bill, and come to no resolution thereon.

PROTECTION OF WILD ANIMALS, BIRDS, AND FISH IN FOREST RESERVES.

Mr. MONDELL, from the Committee on the Public Lands, submitted views of the minority on the bill (H. R. 8135) for the protection of wild animals, birds, and fish in the forest reserves of the United States.

The minority views were ordered printed, and referred to the Committee of the Whole House.

STATUES OF SAM HOUSTON AND STEPHEN F. AUSTIN.

Mr. COOPER of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk to be read.

The SPEAKER. The gentleman from Texas [Mr. COOPER] asks unanimous consent for the present consideration of the resolution which the Clerk will read.

The Clerk read as follows:

Resolved by the House of Representatives, That the exercises appropriate to the reception and acceptance from the State of Texas of the statues of Sam Houston and Stephen F. Austin, erected in Statuary Hall, in the Capitol, be made the special order for Saturday, the 25th day of February, at 3 o'clock p. m.

The SPEAKER. The question is on agreeing to the resolution. Is there objection? [After a pause.] The Chair hears none, and the resolution is agreed to.

ELECTORAL VOTE.

The SPEAKER laid before the House the following communication from the Senate; which was read, and ordered to lie on the table:

IN THE SENATE OF THE UNITED STATES,
January 20, 1905.

The President pro tempore appointed Mr. BURROWS and Mr. BAILEY as the tellers on the part of the Senate to count the electoral votes for President and Vice-President of the United States.

Attest: CHARLES G. BENNETT, Secretary.

The SPEAKER. In pursuance of the House resolution, the Chair appoints Mr. GAINES of West Virginia and Mr. RUSSELL as the tellers of the House to count the electoral vote for President and Vice-President of the United States.

ENROLLED BILLS—SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 9799. An act to remove charge of desertion from military record of John Dorsey.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4986. An act granting an increase of pension to Philo Bartow;

S. 4808. An act granting an increase of pension to John Worley;

S. 4767. An act granting an increase of pension to Henry Snidemiller;

S. 4766. An act granting an increase of pension to Frederick Clark;

S. R. 77. Joint resolution providing for the reappointment of James B. Angell on the Board of Regents of the Smithsonian Institution;

S. 5345. An act granting an increase of pension to Thomas Coughlin;

S. 5271. An act granting an increase of pension to Paul Diebitsch;

S. 5346. An act granting an increase of pension to Amon A. Webster;

S. 5339. An act granting an increase of pension to Sidney B. Hamilton;

S. 5297. An act granting an increase of pension to Jerry L. Grey;

S. 5214. An act granting an increase of pension to William P. Renfro;

S. 5206. An act granting an increase of pension to Lucy Jane Ball;

S. 5190. An act granting an increase of pension to William Berry;

S. 5129. An act granting an increase of pension to Thompson Martin;

S. 5120. An act granting an increase of pension to William H. Chamberlin;

S. 5445. An act granting an increase of pension to Caroline L. Guild;

S. 5427. An act granting an increase of pension to Ruhema C. Horsman;

S. 5379. An act granting an increase of pension to Bird Salmon;

S. 5378. An act granting an increase of pension to John H. Ash;

S. 5358. An act granting an increase of pension to Thomas Taylor;

S. 5512. An act granting an increase of pension to John W. Carleton;

S. 5508. An act granting an increase of pension to Abraham B. Miller;

S. 5501. An act granting an increase of pension to Sarah A. Rowe;

S. 5496. An act granting an increase of pension to Jesse L. Sanders;

S. 5476. An act granting an increase of pension to Joel F. Howe;

S. 5472. An act granting an increase of pension to Mary J. Weems;

S. 5450. An act granting an increase of pension to George R. Lingenfelter;

S. 5661. An act granting an increase of pension to Daniel B. Bush;

S. 5589. An act granting an increase of pension to Mary E. Burrell;

S. 5574. An act granting an increase of pension to Calen Thomas;

S. 5572. An act granting an increase of pension to Alafair Chastain;

S. 5558. An act granting an increase of pension to Susan C. Schroeder;

S. 5535. An act granting an increase of pension to Alexander McConneha;

S. 5532. An act granting an increase of pension to Edwin A. Knight;

S. 5531. An act granting an increase of pension to Catherine Jones;

S. 5530. An act granting a pension to William R. Cahoon;

S. 5514. An act granting an increase of pension to Samuel S. Lamson;

S. 5736. An act granting an increase of pension to Charles C. Gilbert;

S. 5735. An act granting an increase of pension to Washington Lenhart;

S. 5734. An act granting an increase of pension to George H. Woodbury;

S. 5733. An act granting an increase of pension to Monroe W. Wright;

S. 5716. An act granting an increase of pension to Dotha J. Whipple;

S. 5715. An act granting an increase of pension to Benjamin Bickford;

S. 5714. An act granting an increase of pension to John McKenne;

S. 5713. An act granting an increase of pension to Robert Crowther;

S. 5741. An act granting an increase of pension to Stephen Welch;

S. 5740. An act granting an increase of pension to Clemon Clooten;

S. 5739. An act granting an increase of pension to Adolphe Bessie;

S. 5738. An act granting an increase of pension to Enoch Russell;

S. 3357. An act granting an increase of pension to Welcom B. French;

S. 5859. An act granting an increase of pension to Henry Breslin;

S. 5858. An act granting an increase of pension to John Hubbard;

S. 5857. An act granting an increase of pension to James Bryson;

S. 5811. An act granting an increase of pension to Franklin Waller;

S. 5810. An act granting an increase of pension to Joseph Reber;

S. 5807. An act granting an increase of pension to Sarah J. F. Robinson;

S. 5781. An act granting an increase of pension to John A. Steel;

S. 5758. An act granting an increase of pension to Sallie B. Weber;

S. 5746. An act granting an increase of pension to Anne Jones;

S. 5745. An act granting an increase of pension to Mary M. Mitchell;

S. 5744. An act granting an increase of pension to Joseph A. Rhodes;

S. 5743. An act granting an increase of pension to James Riordan;

S. 5742. An act granting an increase of pension to Nickles Dockendorf;

S. 3522. An act granting an increase of pension to Samuel J. Dennison;

S. 3624. An act granting an increase of pension to Peter D. Moore;
 S. 3755. An act granting an increase of pension to William H. Covert;
 S. 3774. An act granting an increase of pension to John C. Felton;
 S. 3906. An act granting an increase of pension to James H. Venier;
 S. 3935. An act granting an increase of pension to Mary Cornelia Hays Ross;
 S. 4038. An act granting an increase of pension to George E. Yingling;
 S. 4070. An act granting an increase of pension to Andrew Fellentreter;
 S. 4151. An act granting an increase of pension to Thomas J. Spencer;
 S. 4103. An act granting an increase of pension to John W. Roulett;
 S. 4199. An act granting a pension to William Rufus Kelley;
 S. 4221. An act granting an increase of pension to Henry C. Stroman;
 S. 4273. An act granting an increase of pension to Frazie A. Campbell;
 S. 4382. An act granting an increase of pension to James B. Harvey;
 S. 4383. An act granting an increase of pension to Mary E. Penn;
 S. 4393. An act granting an increase of pension to Cora A. Baker;
 S. 4395. An act granting an increase of pension to Thomas H. Walker;
 S. 4477. An act granting an increase of pension to John C. Craven;
 S. 4408. An act granting an increase of pension to Robert N. Button;
 S. 4002. An act granting an increase of pension to Susan E. Armitage;
 S. 3246. An act granting an increase of pension to Frederick W. Josline;
 S. 3076. An act granting an increase of pension to Arthur W. Post;
 S. 3100. An act granting an increase of pension to Howard Wiley;
 S. 3232. An act granting an increase of pension to William O. Gould;
 S. 3239. An act granting an increase of pension to George W. D. Buchanan;
 S. 3286. An act granting an increase of pension to Charles W. Creed;
 S. 3356. An act granting an increase of pension to Rebecca A. Teter;
 S. 3390. An act granting a pension to Emily E. Cram;
 S. 3453. An act granting an increase of pension to David Whitney; and
 S. 3482. An act granting an increase of pension to Alfred H. Le Fèvre.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 852. An act to establish a fish-cultural station in the State of Maryland—to the Committee on the Merchant Marine and Fisheries.
 S. 6522. An act to enable independent school district No. 12, Roseau County, Minn., to purchase certain lands—to the Committee on Indian Affairs.
 S. 6088. An act authorizing the closing of part of an alley in square No. 733, in the city of Washington, D. C.—to the Committee on the District of Columbia.
 S. 5768. An act to provide for an additional judge of the district court of the United States for the district of New Jersey—to the Committee on the Judiciary.
 S. 5174. An act to provide for the erection of a beacon light near Fair Point, in Pensacola Bay, in the State of Florida—to the Committee on Interstate and Foreign Commerce.
 S. 4778. An act for the relief of Pay Inspector E. B. Rogers, United States Navy—to the Committee on Claims.
 S. R. 88. Joint resolution authorizing the Secretary of War to furnish a condemned cannon to the board of regents of the University of Minnesota, at Minneapolis, Minn., to be placed on campus as a memorial to students of said university who served in Spanish war—to the Committee on Military Affairs.
 S. R. 92. Joint resolution authorizing the President to ex-

tend to the International Prison Congress an invitation to hold the eighth international prison congress in the United States—to the Committee on the Judiciary.

S. 5997. An act authorizing the President to nominate and appoint William L. Patterson a second lieutenant in the United States Army—to the Committee on Military Affairs.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 16720. An act permitting the building of a railroad bridge across the Red River of the North from a point on section 6, township 154 north, range 50 west, Marshall County, Minn., to a point on section 36, township 155 north, range 51 west, Walsh County, N. Dak.;

H. R. 15225. An act to amend the act relating to the printing and distribution of public documents, and for other purposes; and

H. R. 16992. An act to authorize the county of Sunflower to construct a bridge across the Sunflower River, Mississippi.

ADJOURNMENT.

Mr. SHERMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned until to-morrow at 12 o'clock m.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting certain papers relating to granting leave of absence to storekeepers and other employees of the Internal Revenue Service—to the Committee on Ways and Means, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House H. R. 11811, reported in lieu thereof a bill (H. R. 18035) to amend section 552 of the Code of Laws for the District of Columbia, relating to incorporations, reported the same without amendment, accompanied by a report (No. 3763); which said bill and report were referred to the House Calendar.

Mr. WILLIAMSON, from the Committee on Irrigation of Arid Lands, to which was referred the bill of the House (H. R. 17250) providing for the construction of irrigation and reclamation works in certain lakes and rivers, reported the same without amendment, accompanied by a report (No. 3764); which said bill and report were referred to the House Calendar.

Mr. McCARTHY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 17769) to grant certain lands to the Agricultural and Mechanical College of Oklahoma for college farm and experiment station purposes, reported the same with amendment, accompanied by a report (No. 3769); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL, from the Committee on Military Affairs, to which was referred the House joint resolution (H. J. Res. 76) authorizing the Secretary of War to furnish condemned cannon for a life-size statue of Gen. Henry Leavenworth, at Leavenworth, Kans., reported the same with amendment, accompanied by a report (No. 3770); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the House joint resolution (H. J. Res. 181) authorizing the Secretary of War to transfer to the militia cavalry organization at Chattanooga, Tenn., a certain unused portion of the national cemetery reservation at Chattanooga, Tenn., reported the same without amendment, accompanied by a report (No. 3771); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1892) granting an increase of pension to John Gibson, reported the same with amendment, accompanied by a report (No. 3706); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17537) granting an increase of pension to Theodore Titus, reported the same with amendment, accompanied by a report (No. 3707); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16335) granting an increase of pension to Frank C. Culley, reported the same with amendment, accompanied by a report (No. 3708); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15913) granting an increase of pension to Hiram R. Frelove, reported the same with amendment, accompanied by a report (No. 3709); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16663) granting an increase of pension to Harry Newcomer, reported the same with amendment, accompanied by a report (No. 3710); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15723) granting an increase of pension to Frederick Leloh, reported the same without amendment, accompanied by a report (No. 3711); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15661) granting an increase of pension to Malden Valentine, reported the same with amendment, accompanied by a report (No. 3712); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17119) granting an increase of pension to Lewis Hitt, reported the same with amendment, accompanied by a report (No. 3713); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15931) granting an increase of pension to Ephraim L. Mack, reported the same without amendment, accompanied by a report (No. 3714); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15925) granting an increase of pension to Nellie Barrett, reported the same without amendment, accompanied by a report (No. 3715); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15838) granting an increase of pension to Mary F. Fuller, reported the same with amendment, accompanied by a report (No. 3716); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8983) granting an increase of pension to Johnathon R. Cox, reported the same with amendment, accompanied by a report (No. 3717); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17262) granting an increase of pension to Jennie N. Jones, reported the same with amendment, accompanied by a report (No. 3718); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5876) granting an increase of pension to Elijah S. Carleton, reported the same with amendment, accompanied by a report (No. 3719); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to

which was referred the bill of the House (H. R. 16629) granting an increase of pension to Nathan C. D. Bond, reported the same with amendment, accompanied by a report (No. 3720); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17523) granting an increase of pension to Mary A. Paul, reported the same with amendment, accompanied by a report (No. 3721); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15640) granting a pension to William E. Quirk, reported the same without amendment, accompanied by a report (No. 3722); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17677) granting an increase of pension to James Hudson, reported the same without amendment, accompanied by a report (No. 3723); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16859) granting an increase of pension to James Shaw, reported the same with amendment, accompanied by a report (No. 3724); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16474) granting an increase of pension to Oliver McFadden, reported the same with amendment, accompanied by a report (No. 3725); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7478) granting a pension to Eli Tippet, reported the same with amendment, accompanied by a report (No. 3726); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17558) granting an increase of pension to Sarah Ann Morrison, reported the same with amendment, accompanied by a report (No. 3727); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16746) granting an increase of pension to James J. Summers, reported the same with amendment, accompanied by a report (No. 3728); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17773) granting an increase of pension to William Hubbs, reported the same with amendment, accompanied by a report (No. 3729); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16398) granting an increase of pension to Michael Keating, reported the same with amendment, accompanied by a report (No. 3730); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15720) granting an increase of pension to William T. Finch, reported the same with amendment, accompanied by a report (No. 3731); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16488) granting an increase of pension to Daniel Reagan, reported the same with amendment, accompanied by a report (No. 3732); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16707) granting an increase of pension to John Beckman, reported the same with amendment, accompanied by a report (No. 3733); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16815) granting an increase of pension to Michael L. Essick, reported the same with amendment, accompanied by a report (No. 3734); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16879) granting a pension to William H. Brown, reported the same with amendment, accompanied by a report (No. 3735); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15891) granting a pension to Harriett Stanley, reported the same with amendment, accompanied by a report (No. 3736); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16625) granting an increase of pension to Laura A. Baughey and her minor children, reported the same with amendment, accompanied by a report (No. 3737); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16427) granting an increase of pension to Alfred D. Launder, reported the same without amendment, accompanied by a report (No. 3738); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15642) granting a pension to J. H. Coonrod, reported the same with amendment, accompanied by a report (No. 3739); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17403) granting an increase of pension to Horace Winslow, reported the same with amendment, accompanied by a report (No. 3740); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17035) granting an increase of pension to W. H. Miles, reported the same with amendment, accompanied by a report (No. 3741); which said bill and report were referred to the Private Calendar.

Mr. HUNTER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3437) granting an increase of pension to William B. Shepard, reported the same with amendment, accompanied by a report (No. 3742); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16946) granting an increase of pension to William Huddleson, reported the same with amendment, accompanied by a report (No. 3743); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16216) granting an increase of pension to Philo G. Tuttle, reported the same with amendment, accompanied by a report (No. 3744); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14925) granting an increase of pension to Robert T. Porter, reported the same with amendment, accompanied by a report (No. 3745); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14613) granting an increase of pension to Samuel E. Rumsey, reported the same with amendment, accompanied by a report (No. 3746); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14569) granting a pension to Maggie Weygandt, reported the same with amendment, accompanied by a report (No. 3747); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13656) granting an increase of pension to Mary W. Martin, reported the same with amendment, accompanied by a report (No. 3748); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15787) granting an increase of pension to Thorndike P. Heath, reported the same with amendment, accompanied by a report (No. 3749); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17197) granting an increase of pension to James Mitchell, reported the same without amendment, accompanied by a report (No. 3750); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11020) granting an increase of pension to Henry W. Hurlbut, reported the same with amendment, accompanied by a report (No. 3751); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9430) grant-

ing an increase of pension to Stephen Houghtaling, reported the same with amendment, accompanied by a report (No. 3752); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10392) granting an increase of pension to Silas B. Irion, reported the same without amendment, accompanied by a report (No. 3753); which said bill and report were referred to the Private Calendar.

Mr. HUNTER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12341) for the relief of John Stilts, reported the same with amendment, accompanied by a report (No. 3754); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11743) granting an increase of pension to Charles H. Baird, reported the same with amendment, accompanied by a report (No. 3755); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6714) granting an increase of pension to George E. Pierson, reported the same with amendment, accompanied by a report (No. 3756); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5284) granting a pension to John Maupin, reported the same with amendment, accompanied by a report (No. 3757); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5265) granting a pension to Sara A. Haskell, reported the same with amendment, accompanied by a report (No. 3758); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5691) granting an increase of pension to Henry Rhinehart, reported the same with amendment, accompanied by a report (No. 3759); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5637) granting an increase of pension to Lou Gates, reported the same with amendment, accompanied by a report (No. 3760); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6324) granting an increase of pension to J. H. McKee, reported the same with amendment, accompanied by a report (No. 3761); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1900) granting an increase of pension to Samuel Visnow, reported the same with amendment, accompanied by a report (No. 3762); which said bill and report were referred to the Private Calendar.

Mr. McNARY, from the Committee on Claims, to which was referred the bill of the House (H. R. 15359) for the relief of C. W. Reid and Sam Daube, reported the same with amendment, accompanied by a report (No. 3765); which said bill and report were referred to the Private Calendar.

Mr. EVANS, from the Committee on Private Land Claims, to which was referred the bill of the House (H. R. 1520) for the relief of the Mission of St. James, in the State of Washington, reported the same with amendment, accompanied by a report (No. 3766); which said bill and report were referred to the Private Calendar.

Mr. TRIMBLE, from the Committee on Claims, to which was referred the bill of the Senate (S. 1456) to carry out the findings of the Court of Claims in the case of James H. Dennis, reported the same without amendment, accompanied by a report (No. 3767); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the Senate (S. 2749) for the relief of Henry Bash, reported the same without amendment, accompanied by a report (No. 3768); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 15965) granting an increase of pension to

Henry W. Shroeder—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17947) for the relief of Edward R. Penney—Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

A bill (H. R. 17948) for the relief of Allen L. Penny—Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BABCOCK, from the Committee on the District of Columbia: A bill (H. R. 18035) to amend section 552 of the Code of Laws for the District of Columbia, relating to incorporations—to the House Calendar.

By Mr. GROSVENOR: A bill (H. R. 18036) to amend section 9 of the act of August 2, 1882, concerning lists of passengers—to the Committee on the Merchant Marine and Fisheries.

By Mr. LITTLEFIELD: A bill (H. R. 18037) requiring all corporations engaged in interstate commerce to make returns, and for other purposes—to the Committee on the Judiciary.

By Mr. BABCOCK: A bill (H. R. 18038) relating to the inspection of steam boilers in the District of Columbia—to the Committee on the District of Columbia.

By Mr. GROSVENOR: A bill (H. R. 18039) concerning foreign-built dredges—to the Committee on the Merchant Marine and Fisheries.

By Mr. WILSON of Arizona: A bill (H. R. 18040) to authorize Gila County, Ariz., to issue \$40,000 in bonds to build a court-house, and so forth—to the Committee on the Territories.

By Mr. TIRRELL: A bill (H. R. 18041) for the purchase of a portrait of the late President William McKinley—to the Committee on the Library.

By Mr. ALLEN: A bill (H. R. 18042) for the construction of a private conduit across D street NW.—to the Committee on the District of Columbia.

By Mr. STEENERSON: A bill (H. R. 18043) to amend an act entitled "An act to regulate commerce," approved February 4, 1887—to the Committee on Interstate and Foreign Commerce.

By Mr. COWHERD: A bill (H. R. 18044) for the extension of Rittenhouse street, and for other purposes—to the Committee on the District of Columbia.

By Mr. CRUMPACKER: A resolution (H. Res. 457) providing for six laborers known as "cloakroom men"—to the Committee on Accounts.

By Mr. BYRD: A resolution (H. Res. 458) directing the Ways and Means Committee to report favorably House bill No. 12694, to place agricultural implements and necessities incident to farming upon the free list—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 18045) for the relief of George A. Carter—to the Committee on Claims.

By Mr. BIRDSALL (by request): A bill (H. R. 18046) to sell and dispose of the contents of the island of Mona—to the Committee on the Public Lands.

By Mr. BONYNGE: A bill (H. R. 18047) granting an increase of pension to Catherine Hauser—to the Committee on Invalid Pensions.

By Mr. BOWERS: A bill (H. R. 18048) to refund R. D. Bounds the sum of \$435.42, stolen from the post-office at Seminary, Miss., by burglars, without fault or connivance of said Bounds—to the Committee on Claims.

By Mr. COCHRAN of Missouri: A bill (H. R. 18049) granting an increase of pension to Benjamin F. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18050) granting an increase of pension to John Keough—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18051) granting an increase of pension to O. M. Markcam—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18052) granting an increase of pension to Leander C. Hicks—to the Committee on Invalid Pensions.

By Mr. DENNY: A bill (H. R. 18053) granting an increase of pension to John A. Love—to the Committee on Pensions.

Also, a bill (H. R. 18054) granting an increase of pension to James J. N. Fury, alias John G. Fury—to the Committee on Pensions.

Also, a bill (H. R. 18055) granting an increase of pension to Joshua Lynch—to the Committee on Pensions.

Also, a bill (H. R. 18056) granting an increase of pension to Charles Hill—to the Committee on Pensions.

Also, a bill (H. R. 18057) granting an increase of pension to Edward Cooley—to the Committee on Pensions.

Also, a bill (H. R. 18058) granting an increase of pension to George A. Freburger—to the Committee on Pensions.

Also, a bill (H. R. 18059) granting an increase of pension to Robert Harrington—to the Committee on Pensions.

Also, a bill (H. R. 18060) granting an increase of pension to John T. A. Galloway—to the Committee on Pensions.

Also, a bill (H. R. 18061) granting an increase of pension to John R. Onion—to the Committee on Pensions.

Also, a bill (H. R. 18062) granting an increase of pension to Henry H. Tillson—to the Committee on Pensions.

Also, a bill (H. R. 18063) granting an increase of pension to John A. Reese—to the Committee on Pensions.

Also, a bill (H. R. 18064) granting an increase of pension to William Williams—to the Committee on Pensions.

Also, a bill (H. R. 18065) granting an increase of pension to Louis F. Beeler—to the Committee on Pensions.

By Mr. HEFLIN: A bill (H. R. 18066) for the relief of Thomas Bonner, jr., of Clay County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 18067) for the relief of Alexander M. Steed, of Clay County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 18068) for the relief of Fannie R. Bonner, of Clay County, Ala.—to the Committee on War Claims.

By Mr. GARNER: A bill (H. R. 18069) granting an increase of pension to Ambrose Burton—to the Committee on Pensions.

By Mr. GILLESPIE: A bill (H. R. 18070) granting an increase of pension to Isaac G. Bowman—to the Committee on Pensions.

Also, a bill (H. R. 18071) granting an increase of pension to Dudley Portwood—to the Committee on Pensions.

Also, a bill (H. R. 18072) granting an increase of pension to Josephine America Anglin—to the Committee on Pensions.

Also, a bill (H. R. 18073) granting an increase of pension to Joseph Burnam—to the Committee on Pensions.

Also, a bill (H. R. 18074) granting an increase of pension to Irwin O'Bryan—to the Committee on Pensions.

Also, a bill (H. R. 18075) granting an increase of pension to Alice Robertson—to the Committee on Pensions.

Also, a bill (H. R. 18076) granting an increase of pension to Solomon Ingram—to the Committee on Pensions.

Also, a bill (H. R. 18077) granting an increase of pension to Jacob Koonsman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18078) granting an increase of pension to William Cook—to the Committee on Pensions.

Also, a bill (H. R. 18079) granting an increase of pension to Campbell Poyner—to the Committee on Pensions.

Also, a bill (H. R. 18080) granting an increase of pension to James Haley—to the Committee on Pensions.

By Mr. GOOCH: A bill (H. R. 18081) to correct the military record of James Lebar, late of Company C, Sixty-first Ohio Volunteers—to the Committee on Military Affairs.

By Mr. GREENE: A bill (H. R. 18082) granting an increase of pension to John Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18083) granting an increase of pension to Philip Chace—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18084) granting an increase of pension to David B. Coleman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18085) granting an increase of pension to James F. Chipman—to the Committee on Invalid Pensions.

By Mr. GREGG: A bill (H. R. 18086) granting an increase of pension to James Eastland—to the Committee on Pensions.

By Mr. GRIFFITH: A bill (H. R. 18087) granting an increase of pension to John W. Wright—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 18088) granting an increase of pension to Byron Bailey—to the Committee on Invalid Pensions.

By Mr. HILL of Connecticut: A bill (H. R. 18089) granting a pension to Abby E. Burritt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18090) granting a pension to John Clougherty—to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 18091) granting a pension to Emma Sparks—to the Committee on Invalid Pensions.

By Mr. KLUTTZ: A bill (H. R. 18092) for the relief of W. A. Moore—to the Committee on Pensions.

Also, a bill (H. R. 18093) for the relief of W. A. McLean—to the Committee on Claims.

By Mr. LONGWORTH: A bill (H. R. 18094) granting a pension to Clara I. Ashbury—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18095) granting an increase of pension to Charlotte F. Russell—to the Committee on Pensions.

Also, a bill (H. R. 18096) granting a pension to Abbie E. Barr—to the Committee on Invalid Pensions.

By Mr. LORIMER: A bill (H. R. 18097) granting an increase of pension to Skeffington Thompson—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 18098) granting an increase of pension to Daniel J. Chandler—to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 18099) granting a pension to Alice M. Durney—to the Committee on Naval Affairs.

By Mr. McCREARY of Pennsylvania: A bill (H. R. 18100) for the relief of the Corn Exchange National Bank of Philadelphia, Pa.—to the Committee on Claims.

By Mr. McLAIN: A bill (H. R. 18101) granting an increase of pension to S. A. Demarest—to the Committee on Invalid Pensions.

By Mr. McMORRAN: A bill (H. R. 18102) granting a pension to Frank Langdon—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 18103) granting an increase of pension to Willis Booker—to the Committee on Pensions.

Also, a bill (H. R. 18104) for the relief of G. W. Outlaw—to the Committee on War Claims.

By Mr. RIXEY: A bill (H. R. 18105) for the relief of John H. Haws—to the Committee on War Claims.

By Mr. ROBB: A bill (H. R. 18106) for the relief of the heirs of Henry Bisch—to the Committee on War Claims.

By Mr. SHERMAN: A bill (H. R. 18107) granting an increase of pension to Antoinette Hannals—to the Committee on Invalid Pensions.

By Mr. SHULL: A bill (H. R. 18108) granting an increase of pension to Ephriam N. R. Ahl—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 18109) granting an increase of pension to Samuel E. Holland—to the Committee on Pensions.

Also, a bill (H. R. 18110) granting an increase of pension to Harrison B. Freeman—to the Committee on Pensions.

By Mr. SMITH of Iowa: A bill (H. R. 18111) granting an increase of pension to William P. McWilliams—to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 18112) granting a pension to Mary McMahon—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 18113) granting an increase of pension to William Bottenberg—to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 18114) for the relief of William H. Bell, of Maryland—to the Committee on War Claims.

Also, a bill (H. R. 18115) for the relief of the heirs of Thomas J. Benson, of Maryland—to the Committee on War Claims.

By Mr. TIRRELL: A bill (H. R. 18116) granting an increase of pension to Abram H. Bedell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18117) granting a pension to Clara A. Howe—to the Committee on Invalid Pensions.

By Mr. WADE: A bill (H. R. 18118) granting a pension to Barbara A. Cheeney—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 18119) granting an increase of pension to Alexander Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18120) granting an increase of pension to Andreas Schmidt—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 18121) granting an increase of pension to Uriah J. Cheshier—to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 18122) granting a pension to Anna M. Camp—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS of Pennsylvania: Petition of Temperance Association of Friends, favoring the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of the Pennsylvania Railway Union, favoring bill H. R. 8678—to the Committee on Agriculture.

By Mr. ALLEN: Papers to accompany claim of George A. Carter—to the Committee on Claims.

By Mr. BENNY: Petition of the Young People's Christian Union of the Second United Presbyterian Church of Jersey City,

against selling liquors in the Philippine Islands—to the Committee on Insular Affairs.

By Mr. BISHOP: Petition of Mrs. M. M. Faulkner et al., against legislation relative to Sabbath observance in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BOWERSOCK: Petition of Kansas State board of agriculture, favoring increased powers of the Interstate Commerce Commission relative to freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. BOWERS: Paper to accompany bill for the relief of Richard D. Bounds, of Seminary, Miss.—to the Committee on the Post-Office and Post-Roads.

By Mr. BRANTLEY: Petition of the Board of Trade of Brunswick, Ga., against enactment of bill H. R. 7298—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Chamber of Commerce of Waycross, Ga., favoring bill H. R. 9302—to the Committee on Ways and Means.

Also, petition of the Pilotage Commission of Brunswick, Ga., against passage of bill H. R. 7298—to the Committee on the Merchant Marine and Fisheries.

By Mr. BURTON: Petition of the Board of Trade of Columbus, Ohio, favoring international arbitration—to the Committee on Foreign Affairs.

By Mr. CALDERHEAD: Petition of I. L. Dayhoff, superintendent of public instruction of Kansas, in support of bill H. R. 15987—to the Committee on the Post-Office and Post-Roads.

Also, petition of Mrs. J. C. Cumbrick, of Junction City, Kans., favoring an amendment to the Constitution prohibiting polygamy—to the Committee on the Judiciary.

Also, petition of Rev. H. H. Fisher et al., of Brooklyn, N. Y., favoring an amendment to the Constitution prohibiting polygamy—to the Committee on the Judiciary.

Also, petition of Ammon & Person, of Jersey City, N. J., against discrimination adverse to artificial butter—to the Committee on Agriculture.

By Mr. DALZELL: Petition of the East End Board of Trade, of Pittsburg, Pa., favoring pneumatic-tube service in Pittsburg—to the Committee on the Post-Office and Post-Roads.

By Mr. DENNY: Paper to accompany bill for the relief of James J. W. Fury—to the Committee on Pensions.

Also, paper to accompany bill for the relief of John A. Love—to the Committee on Pensions.

Also, paper to accompany bill for the relief of Louis F. Beeler—to the Committee on Pensions.

Also, paper to accompany bill for the relief of William Williams—to the Committee on Pensions.

Also, paper to accompany bill for the relief of John G. Ruse—to the Committee on Pensions.

Also, paper to accompany bill for the relief of Henry H. Tillson—to the Committee on Pensions.

Also, paper to accompany bill for the relief of John R. Onion—to the Committee on Pensions.

Also, paper to accompany bill for the relief of T. A. Gallaway—to the Committee on Pensions.

Also, paper to accompany bill for the relief of Robert Harrington—to the Committee on Pensions.

Also, paper to accompany bill for the relief of George A. Freburger—to the Committee on Pensions.

Also, paper to accompany bill for the relief of Edward Cooley—to the Committee on Pensions.

Also, paper to accompany bill for the relief of Charles Hill—to the Committee on Pensions.

Also, paper to accompany bill for the relief of Joshua Lynch—to the Committee on Pensions.

By Mr. FULLER: Petition of Interstate Commerce Law Convention, favoring Government supervision over freight rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Moline (Ill.) Business Men's Association, favoring the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Aermotor Company, of Chicago, favoring the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Ingersoll Milling Machine Company, of Rockford, Ill., favoring bill H. R. 16560—to the Committee on Patents.

By Mr. GILLET of New York: Petition of citizens of Hornellsville, N. Y., against legislation relative to Sabbath observance in the District of Columbia—to the Committee on the District of Columbia.

By Mr. GREENE: Petition of Bay State Lodge, No. 88, Brotherhood of Railway Trainmen, urging passage of bill H. R. 7041—to the Committee on the Judiciary.

By Mr. HAMILTON: Petition of citizens of Barry County,

Mich., favoring Federal control of liquor traffic in Indian Territory—to the Committee on the Territories.

By Mr. HERMANN: Petition of the Newburgh Board of Trade, favoring Government condemning the Willamette River locks at Oregon City—to the Committee on Rivers and Harbors.

By Mr. HITT: Petition of the Railways' Twentieth Century Club, of Chicago, favoring legislation for safety appliances on railways—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL: Petition of the Woman's Christian Temperance Union of Indianola, Iowa, against liquor selling on Government premises—to the Committee on Public Buildings and Grounds.

By Mr. JACKSON of Ohio: Petition of the Brotherhood of Railway Trainmen, of Galion, Ohio, favoring bill H. R. 7041—to the Committee on the Judiciary.

Also, petition of the Brotherhood of Railway Trainmen, of Bucyrus, Ohio, favoring enactment of law embodied in bill H. R. 7041—to the Committee on the Judiciary.

By Mr. LILLEY: Petition of the Brotherhood of Locomotive Engineers, New Hampshire Division, No. 77, favoring bill H. R. 13354—to the Committee on Military Affairs.

By Mr. LINDSAY: Petition of the board of directors of the Receivers and Shippers' Association of Cincinnati, Ohio, favoring National Government controlling freight rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Carriage Builders' Association, favoring increased power for Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. MAHON: Petition of R. R. Ferry et al., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MARTIN: Petition of Charles M. Clark et al., against law relative to Sabbath observance in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MOON: Papers to accompany bill for the relief of Daniel J. Chandler—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Petition of the Chamber of Commerce of San Francisco, favoring legislation as provided for in bill H. R. 16453—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Chamber of Commerce of San Francisco, asking increased facilities for tug service in the harbor of San Francisco—to the Committee on the Merchant Marine and Fisheries.

Also, senate joint resolution No. 1 of the California legislature, against imposing tax on brandy used in fortifying sweet wines—to the Committee on Ways and Means.

By Mr. PADGETT: Paper to accompany bill for the relief of Willis Booker—to the Committee on Pensions.

Also, paper to accompany bill for the relief of G. W. Outlaw—to the Committee on Pensions.

By Mr. RAINEY: Petition of A. Wall et al., against law for parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. RUPPERT: Petition of the Carriage Builders' National Association, favoring increased powers of Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Illinois Lumber Dealers' Association, favoring Government control of freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN: Petition of Buffalo Division, No. 15, Brotherhood of Locomotive Engineers, favoring Bates employers' liability bill—to the Committee on the Judiciary.

By Mr. SHERMAN: Petition of Ilion Grange, Patrons of Husbandry, favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. SHULL: Paper to accompany bill for the relief of Ephraim N. R. Ohl, of Northampton County, Pa.—to the Committee on Pensions.

By Mr. SIBLEY: Petition of Pennsylvania State Grange, of Erie, Pa., indorsing bill H. R. 8678—to the Committee on Agriculture.

By Mr. SLAYDEN: Paper to accompany bill for the relief of Samuel E. Holland—to the Committee on Pensions.

Also, paper to accompany bill for relief of Harrison B. Free—to the Committee on Pensions.

By Mr. SOUTHARD: Petition of citizens of Lyons, Ohio, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. STEVENS of Minnesota: Petition of St. Paul Division, Brotherhood of Locomotive Engineers, favoring bill H. R. 13354—to the Committee on Military Affairs.

Also, petition of E. W. Bazill, of St. Paul, Minn., favoring bill H. R. 9302—to the Committee on Ways and Means.

By Mr. TIRRELL: Papers to accompany bill for the relief of Abram H. Bedell, of Waltham, Mass.—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: Petition of the Arkansas Retail Grocers and Merchants' Association, of Fort Smith, Ark., favoring enlarged powers for Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD: Paper to accompany bill for the relief of Anna M. Camp—to the Committee on Invalid Pensions.

SENATE.

SATURDAY, January 21, 1905.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HANSBROUGH, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

SPREAD OF EPIDEMIC DISEASES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, requesting that there be added to an estimate heretofore submitted by him for preventing the introduction of and spread of epidemic diseases for the year 1906 a provision permitting the use of this appropriation for special inquiries into the cause of prevalence and spread of tuberculosis and typhoid fever; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

ELECTORAL VOTES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting the final ascertainment of electors for President and Vice-President for the State of Alabama; which, with the accompanying paper, was ordered to be filed.

CREDENTIALS.

The PRESIDENT pro tempore presented the credentials of EUGENE HALE, chosen by the legislature of the State of Maine a Senator from that State for the term beginning March 4, 1905; which were read and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 4728) granting an increase of pension to William W. Smith.

The message also announced that the Speaker of the House had appointed Mr. GAINES of West Virginia and Mr. RUSSELL as the tellers of the House to count the electoral vote for President and Vice-President of the United States.

The message further announced that the House had passed a bill (H. R. 17473) making appropriation for the support of the Army for the fiscal year ending June 30, 1906; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

S. 3076. An act granting a pension to Arthur W. Post;
S. 3100. An act granting an increase of pension to Howard Wiley;

S. 3232. An act granting an increase of pension to William O. Gould;

S. 3239. An act granting an increase of pension to George W. D. Buchanan;

S. 3246. An act to remove the charge of desertion from the name of Frederick W. Joslin;

S. 3286. An act granting an increase of pension to Charles D. Creed;

S. 3356. An act granting an increase of pension to Rebecca A. Teter;

S. 3357. An act granting an increase of pension to Welcom B. French;

S. 3390. An act granting a pension to Emily E. Cram;

S. 3453. An act granting an increase of pension to David Whitney;

S. 3482. An act granting an increase of pension to Alfred H. Le Fevre;